

Title 50—Wildlife and Fisheries
CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Reclassification of the American Alligator and Other Amendments

On July 8, 1975, the Service proposed certain changes in regulations on endangered and threatened wildlife (40 FR 28712). The proposal would reclassify the American alligator, removing it completely from an endangered or threatened status in a portion of its range. It also would add new provisions to Part 17 on similarity of appearance, on captive, self-sustaining populations, and on interpretations of prohibitions applicable to endangered and threatened wildlife. Finally, the proposal would establish a new format for lists of endangered and threatened wildlife. With the changes noted in this preamble, this rulemaking adopts the proposal, effective September 26, 1975.

In response to comments received during the comment period, it has been determined to retain the alligator in the endangered status in all of its range except Cameron, Vermilion and Calcasieu Parishes in Louisiana. Alligators in those three parishes will be listed as threatened, due to their similarity in appearance to the endangered alligators. The Service will re-study the distribution and density of alligator populations in the southeastern coastal areas and the problems of enforcement and administration. Based on this study, the Service will soon propose a reclassification of the endangered populations into threatened and endangered, with a new boundary line separating the classifications.

BACKGROUND

In 1967, the U.S. Department of the Interior determined the American alligator to be an endangered species throughout its entire range. This determination expressed concern for alligator populations which had become drastically reduced after many years of excessive exploitation and habitat usurpation by man. Within recent years, however, alligators have increased considerably in some areas, mainly in response to intensive State and Federal protection. In 1972 and 1973, the State of Louisiana was able to allow a limited commercial hunting season on the species.

On December 28, 1973, the new Endangered Species Act (16 U.S.C. 1531-1543, 87 Stat. 884) went into effect. This Act made it a violation of Federal law to take any species listed as endangered, except under permit for scientific purposes or to enhance the propagation or survival of the species. The Act also established a new "threatened" classification, and authorized the Secretary of the Interior to issue such regulations as he deemed

necessary and advisable for the conservation of such species.

On March 29, 1974, Governor Edwin Edwards of Louisiana submitted a petition to the Secretary of the Interior requesting that "in southwestern coastal marshes (Chenier Plain) in the parishes of Cameron, Vermilion, and Calcasieu of Louisiana, the American alligator be removed from the Secretary of the Interior's list of threatened and endangered species; that in the southcentral and southeastern coastal Louisiana marshes, the American alligator be classified as a threatened species; and that throughout the remainder of the State, the classification of the American alligator remain unchanged."

This petition, as amplified by other available information, was found by the Director to present substantial information warranting a review of the status of the alligator throughout its range. A notice to that effect was placed in the *FEDERAL REGISTER* on July 16, 1974 (39 FR 26050). Simultaneously, Governors of States in which alligators are resident were notified of the review and requested to supply data relative to the status of the species in their respective States.

This review produced evidence that the American alligator is making encouraging gains in population over much of its known historical range. Population levels in parts of South Carolina, Georgia, Florida, Louisiana, and Texas are high, and, in many areas over these regions are considered to be ecologically secure. Increasing urbanization and development is resulting in more frequent human-alligator conflicts, and control of certain populations is needed to minimize public hostility toward the species. Even though actual numerical levels of alligators may be below the biotic carrying capacity in most habitats, socioeconomic factors must be considered in setting management goals to maximize public interest in, and acceptance of, coexistence with this potentially troublesome but ecologically important species.

Available data indicate that the primary threats to alligator populations in areas named above are not biotic, but rather the absence of adequate regulatory and enforcement mechanisms (1) to prevent malicious and illicit commercially-oriented killing, and (2) to control illegal commerce in products. Malicious killing stems to a large degree from public hostility and fear, and to some extent could be ameliorated through public education. Illegal commercial killing currently is being held at a tolerable level by rigid enforcement programs. These programs, however, are inadequate in the face of burgeoning alligator populations and increasing human-alligator conflicts. Reorientation of enforcement efforts toward effective control of commerce in parts and products of legally taken alligators would permit the initiation of practicable management programs and a realistic reappraisal of the population status of the species. Some populations in States named above now are at the point where the species could be best

served by more flexible management programs.

PUBLIC COMMENTS

The proposed rulemaking was published in the *FEDERAL REGISTER* on July 8, 1975 (40 FR 28712). Interested persons were invited to submit written comments to the Director until September 8, 1975. The written responses are summarized, essentially, as follows:

- (1) 26 Responses supported the proposed rulemaking;
- (2) 17 Responses opposed any change in current classification of the American alligator as endangered throughout its entire range;
- (3) 24 Responses generally approved the proposed rulemaking, but recommended one or more changes to reflect the writer's position;
- (4) 4 Responses generally opposed the proposed rulemaking, unless one or more changes are made in the final rules; and
- (5) 17 Responses either were totally irrelevant or merely acknowledged receipt of the proposed rules and their transmittal to an appropriate official for further response.

Despite reservations on the part of some responders with respect to impact of a classification change on welfare of the American alligator, and on other endangered wildlife which also may be reclassified at some future date, the sum of all responses reflects a preponderance of opinion in general support of the proposed rulemaking. Several significant issues of major concern to responders are referred to below.

(1) Extent to which the alligator has recovered from previously depressed population numbers and restricted occupation of its range, and sufficiency of data to verify its recovery. Information available to the Director confirms such substantial and sufficient increase in the American alligator since 1967 throughout the important habitat of its range to allow utilization of the species within the constraints imposed, with confidence that its welfare currently and in the future will not be jeopardized by the management programs afforded by these rules.

(2) Adequacy of controls to protect alligators from unlawful take and commercial utilization. The proposed rules were adjusted to eliminate objectionable features in the system of controls applicable to the taking, inventory, accountability, and disposition of alligators and products made from their hides so that effective protection of the species can be accomplished.

(3) Need for an Environmental Impact Statement. An environmental assessment was prepared which indicates that an Environmental Impact Statement is not prerequisite to accomplishing the changes contemplated by the proposed rulemaking. This assessment is on file at the Office of Endangered Species, U.S. Fish and Wildlife Service, in Suite 1100 at 1612 K Street, N.W., Washington, D.C., and is available for inspection during regular working hours.

(4) Failure to invoke "similarity of appearance" provisions against importation of products of all crocodilian species. This is acknowledged as a valid consideration which would enhance capability to effectively administer the degree of protection to American alligators anticipated under these rules. A change in the final rules to accommodate this provision is not possible, however, since the proposed rulemaking failed to include such a requirement. The Service intends to initiate further action at an early date to effect this desirable change.

DESCRIPTION OF THE RULEMAKING

Following careful review and consideration of all written comments, the proposed rulemaking is modified to include more definitive population data in support of reclassification of the American alligator, and to accommodate other substantive changes as described below. Finally, extensive editorial and format changes were made to correct incongruity in statements and other grammatical deficiencies, and to facilitate readability and understanding.

(1) *Population estimates of the American alligator.* Following is a summary of population estimates pertaining to the status of the alligator in Cameron, Vermilion, and Calcasieu Parishes in Louisiana: 77,300 alligators in 1226 square miles of suitable habitat in Cameron Parish, Louisiana (density of 63/mi²); 20,851 alligators in 562 square miles of suitable habitat in Vermilion Parish (density of 37/mi²); 400 alligators in 15 square miles of suitable habitat in Calcasieu Parish (density of 27/mi²). In these three parishes, population densities may have reached maximum carrying capacity.

(2) *Changes from the proposal.* Generally speaking, there is only one major change from the proposal, dealing with the status of the alligator. However, there are a number of editorial revisions for clarity, and some minor substantive changes to further define concepts set out in the proposal. Also, the drafting and typographical errors in the proposal have been corrected. The differences between the proposal and this final rulemaking will be discussed subpart by subpart, below.

SUBPART A (INTRODUCTION AND GENERAL PROVISIONS)

In the proposal, Subpart A contained a series of definitions necessary for proper implementation of the Act. Especially notable were the definitions of "industry and trade", which clarified the scope of some of the interstate commerce prohibitions, and of "harass", which clarified the scope of the prohibition on taking. The definition of "harass" has been retained in a modified form in this final rulemaking, to make it applicable to actions or omissions with the potential for injury. The concept of environmental damage being considered a "taking" has been retained, but is now found in a new definition, of the word "harm". "Harm" covers actions or omissions which actually, (as opposed to potentially), cause

injury. In addition, the definition of "harass" has been modified by restricting its application to acts or omissions which are done intentionally or negligently. In the proposal, "harass" would have applied to any action, regardless of intent or negligence. Also, definitions of "endangered" and "threatened" have been added.

By moving the concept of environmental degradation to the definition of "harm", potential restrictions on environmental modifications are expressly limited to those actions causing actual death or injury to a protected species of fish or wildlife. The actual consequences of such an action upon a listed species is paramount.

These environmental restrictions represent a reasonable response to the habitat needs of listed species. Congress specifically acknowledged these needs by stating in the "Purposes" subsection of the Act: "The purposes of this Act are to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved . . ." (87 Stat. 885, Section 2(b), 16 U.S.C. 1531 (b)). Furthermore, Congress acknowledged that a rational relationship existed between the protection of the needs of listed species and the public welfare: "The Congress finds and declares that . . . (3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational and scientific value to the Nation and its people . . ." (87 Stat. 884, Section 2(a)(3), 16 U.S.C. Section 1541(3)).

It should be noted that this definition of "harm" which includes significant environmental modification, does not permanently limit the environmental modifications that are permissible for the habitat of a listed species of fish or wildlife. If the species was originally classified as endangered and made a significant recovery, it could be down-listed to threatened with regulations that don't prohibit "takings". Second, the species could recover completely and be delisted altogether. Finally, the species in question could abandon its use of the area. In all of these situations, the limited restrictions on environmental modification under the definition of "harm" would be removed.

Subpart A, as proposed, also contained rules on the exemption for Alaskan natives, of pre-Act wildlife, on the new concept of captive, self-sustaining populations, and on the similarity-of-appearance provisions in the Act. All of these rules have been retained without substantial change. They have been edited somewhat for clarity and consistency. The rules on similarity-of-appearance have been moved to subpart E (Similarity of Appearance). This was done to improve the organization and clarity of the rules, by grouping all of the similarity-of-appearance provisions in one place, and cutting down the need for cross-referral in reading the rules.

SUBPART B (LISTS)

This subpart has been changed by consolidating the lists in Sections 17.11,

17.12, and 17.13 into one list, appearing in Section 17.11. In addition, several species have been included which have previously been listed under the Act (kangaroos, grizzly bears, American crocodile, Cedros Island mule deer, several trout, and other species). As indicated above, the proposed reclassification of alligators has been temporarily withdrawn, pending further study, except for the alligators in the parishes of Cameron, Vermilion, and Calcasieu in Louisiana. This is reflected in changes in the listing in Section 17.11.

The inclusion of the species which were previously listed, brings together in one place all of the endangered and threatened species. This will be more convenient for all users of the regulations. It will also avoid an apparent conflict in drafting that would otherwise have occurred because the previous listings utilized a Section 17.32 for the list of threatened species, but this proposal uses the same section number for a different purpose.

The listing of the alligator in this final rulemaking differs from the proposal in several respects. First, as mentioned above, the alligator will retain its endangered status in all places except Cameron, Vermilion, and Calcasieu Parishes in Louisiana. Second, captive alligators will be treated as threatened due to their similarity of appearance to endangered alligators. (This is indicated on the list in § 17.11(i) by the entry "T(S/A)" in the "status" column. The decision to change the status of only the alligators in the three parishes in Louisiana is explained elsewhere in this preamble.

There are two "populations" of alligators which are treated as threatened species because of their similarity of appearance to endangered alligators. These are (i) the alligators in Cameron, Vermilion and Calcasieu Parishes in Louisiana, and (ii) alligators in captivity. These populations clearly meet the criteria for "similarity of appearance" treatment set out in the Act and in these regulations.

The Act requires three things:

(i) that the species be substantially difficult to distinguish, at the point in question, for law-enforcement personnel;

(ii) that this difficulty is an additional threat to the endangered or threatened species; and

(iii) that the treatment of the similar species as threatened or endangered will facilitate enforcement.

The regulations expand upon these criteria to a certain degree, especially by making it clear that the difficulty in distinction can arise between two different geographic "populations" of the same taxonomic species, as well as between different species. The regulations also make it clear that one method of facilitating law enforcement can be by providing a system of controls to distinguish the similar species from the endangered or threatened.

The designation of these two populations as threatened species, due to their similarity in appearance, fits the criteria very well. First, alligators in the three

parishes or in captivity are impossible to distinguish from endangered alligators since they are, in fact, taxonomically and morphologically identical. Especially when it comes to the identification of products, distinction between the various populations is impossible, without some controls. Second, a major factor in the threat to the alligator's existence is the illegal killing of alligators in order to put alligator hide products on the commercial market. Once a legal market is established for one of the populations, that market may in fact serve as "screen" for products of alligators taken from the other populations. Without being able to identify one alligator population as opposed to another, there is no way for enforcement officers to prevent this misuse of the legal market. Third, the controls established by this rulemaking will provide a practicable, enforceable, method for distinguishing between the various populations of alligators. It is based on a series of marking and tagging requirements which provide what nature could not—a reliable method for identifying an alligator, throughout the processing and marketing chain, to the population from which it was taken. Any alligator which cannot be identified, by this method, to the "legal" population for taking, is then automatically suspect.

The editorial revisions in § 17.11 (formerly § 17.13) are intended to clarify the meaning of the different entries on the list of species. This new format of listing is designed to provide all users of these regulations with one, easy-to-use source of information on endangered and threatened species.

SUBPART C (ENDANGERED WILDLIFE)

The major changes in Subpart C from the proposal have been the revision of the exception to the taking prohibition, the addition of a law enforcement exception to the prohibition on the possession, transportation, etc. of unlawfully taken wildlife, and editorial revisions of the permit provisions.

The proposed exception in Section 17.21(c)(2) to the taking prohibition to allow State, local and Federal employees to "take" endangered wildlife in emergency situations has been revised substantially. It now includes an exception applicable to the general public for takings in self defense or defense of the lives of others. Although most endangered species would not pose a threat to human life, there are some, such as alligators in certain areas, that could be dangerous. A reporting requirement has been added to help assure that this provision is not abused. In addition, the disposition of the specimen must be under the guidance of the Service. The language in the exception with actions by State, local and Federal employees has been revised. The types of persons covered by this provision have been defined, and are now limited to those whose duties include the handling of wildlife, and who work for agencies which normally become involved with wildlife in the course of their land management activities. Also, the reporting and disposition requirements

described above apply to actions by State and Federal employees under this exception.

An exception has been added to § 17.21 (d), to authorize the possession, transportation, etc. of endangered wildlife as necessary to perform law enforcement functions. While this activity is authorized by law, it was felt to be useful to state it expressly, and thereby avoid confusion, and avoid misapprehensions on the part of State personnel.

The provisions on permits have been adopted substantially as they were proposed, with some editorial revisions. A similar proposal for permit provisions was made on May 20, 1975 (40 F.R. 21977), in conjunction with the proposal to designate certain sea turtles as threatened species (40 F.R. 21974). The May 20 proposal regarding permit provisions is hereby rescinded, and this final rulemaking will serve instead.

SUBPART D (THREATENED WILDLIFE)

A number of significant changes have been made in this subpart. First, the adoption of the general prohibitions, in § 17.31, has been modified to make it clear that all of the provisions of § 17.21, including the exceptions, are adopted for threatened species. Thus, a threatened specimen may be taken by a State wildlife officer if it has been orphaned or injured, for example. In addition, there is a special rule authorizing certain Federal and State personnel to take threatened wildlife in the course of research or conservation programs, provided (in the case of a State) that a cooperative agreement is in effect.

Section 17.31 has also been changed by the addition of paragraph (c), which states that when a special rule is in effect, it completely supersedes the general rules set out in paragraphs (a) and (b) of § 17.31. This change clarifies what was proposed, and is the cornerstone of the system for regulating threatened wildlife. To restate it, the general prohibitions and exceptions stated in § 17.31 apply to any wildlife designated as threatened, unless that species is subject to a special rule. Likewise, the general permits available under § 17.32 apply (as further exceptions to the actions prohibited by § 17.31), unless a special rule is in effect for that species. When a special rule is in effect for a particular species, it will contain all the prohibitions, exceptions and permits applicable to that species. The special rule will be referred to in the "special rules" column in § 17.11(i) (the endangered and threatened wildlife list).

Section 17.32, on general permits for threatened wildlife has been editorially revised. The information requirements for permit applicants have been included in their entirety, rather than simply by reference back to § 17.21. The applicant must submit all information relevant to the purpose for which he is seeking a permit, but need not submit information which does not appear relevant.

A new § 17.33, providing special permits for transactions with specimens of captive, self-sustaining populations, has

been inserted. The application requirements for this permit have been refined, from the proposal, to deal specifically with these permits. An example has been added to clarify the role of these permits, and the flexibility available with them. Specific reporting and recordkeeping requirements will be set out in the permits themselves. The Service is considering several different methods, and will endeavor to cut out all unnecessary paperwork.

In order to incorporate previous rulemakings on threatened species in this republication, the rules pertaining to 3 species of kangaroos, to grizzly bears, and to 3 western species of trout have been put into the appropriate sections for special rules. These rules have been incorporated without substantive change.

The special rule for the American alligator has been changed significantly in form, but not in substance. First, the exemptions to the taking provisions which were proposed in § 17.35 (a) (1) for "nuisance" animals and for research and conservation programs have been redrafted to be consistent with the same provisions in §§ 17.21 and 17.31, discussed above.

Second, the application of each prohibition to American alligators has been specified and clarified. Thus, users of these regulations will be able, without cross references, to find all the rules relating to threatened alligators in one place.

Third, the rules which were found in the "similarity-of-appearance" subpart in the proposal are now moved to the special rule on threatened alligators. This is appropriate, since § 4(e) of the Act provides that species which are similar in appearance shall be treated as endangered or threatened species. Thus, the alligators in the three parishes in Louisiana are treated as threatened. The actual rules for the marketing of hides have been reviewed for consistency with the proposed Louisiana regulations for the taking and tagging of alligators. The provisions for permits for buyers, tanners and fabricators have been edited to correct drafting errors in the proposal.

The controls over the marketing of the hides of American alligators in these regulations are based on the implementation and enforcement of Louisiana's regulations. If at any time the Director finds that the program in Louisiana is unsatisfactory, he will re-designate the alligator, in the three parishes in Louisiana where it will be "de-listed", as threatened or endangered, by emergency rulemaking.

SUBPART E (SIMILARITY OF APPEARANCE)

This subpart has been substantially redrafted and reorganized, but there have been no significant changes in substance. The material from § 17.7 in the proposal has been inserted in § 17.50, instead of the material originally in Section 17.50 as proposed. Thus all the rules pertaining to the determination that a species is similar in appearance to an endangered or threatened species, and pertaining to the treatment applied to such species, are now found in one subpart.

Generally, the similar species will be treated as endangered, and all the rules in Subpart C (Endangered Wildlife) will apply to it, or as threatened, in which case all the rules in Subpart D (Threatened Wildlife), including special rules, will apply. In addition, a special permit is available to distinguish a specimen of a "similar" species from the endangered or threatened species. A new provision has been added to that permit section, indicating that the availability of this permit could be nullified by a special rule. Such special rules could appear in Subpart C (Endangered Wildlife) as well as Subpart D (Threatened Wildlife). They would be used where there is no reliable way to distinguish the "similar" specimens, or, as in the case of the American alligator (see § 17.42(a)(3)(ii)), where a different system is provided to distinguish the "similar" specimen from the threatened specimens.

FUTURE RULEMAKINGS

As indicated at the beginning of this preamble, a proposed rulemaking will be issued shortly to reclassify the American alligator. As soon as the Service completes a reevaluation of the data, it intends to propose the reclassification of certain populations to the threatened status. This proposal will contain a new boundary between the endangered and threatened populations.

The list of endangered and threatened wildlife will, of course, be subject to continual revision. All new proposals for additions, deletions, or changes in status of species will be done in the format established by this rulemaking.

New regulations in further implementation of the Act, particularly in the area of the licensing of importers and exporters of wildlife, will be forthcoming. Also, the Service is studying revisions of the Declaration for the Importation of Wildlife (Form 3-177). These rules will probably appear in Part 14 (Import, Export, and Interstate Transportation of Wildlife) rather than this Part 17 (Endangered Wildlife), since they relate generally to all wildlife transactions.

The Service also intends to follow this rulemaking, very shortly, with a proposal to treat the products of all crocodilians as similar in appearance to the American alligator and to several other protected forms of crocodilians (such as the Nile crocodile). This is necessary to enhance the controls over the commerce in endangered and threatened crocodilians.

ADOPTION AND EFFECTIVE DATE

Having considered public comments on the proposed rulemaking of July 8, 1975 (40 F.R. 28712), affecting Part 17, the Service deems it appropriate to adopt the proposal, with modifications discussed above. Based on this proposal, the State of Louisiana issued proposed rules for an alligator hunt in Calcasieu, Cameron, and Vermilion Parishes, to begin September 20, 1975. It was necessary for the State to act in advance of adoption of final Federal rules to satisfy its own legal requirements for appropriate procedures. Additionally, September is an approximate time for such hunting when the

weather is still warm and alligators are still feeding actively.

For these reasons, the Service finds there is good cause to make these rules effective September 26, 1975.

It was noted above that several species which were recently added to the regulations have been included in the new consolidated listing in § 17.11(i). This has been done for the convenience of the users of the regulations. However, the effective date of the addition of some of those species is later than the effective date of this rulemaking. Therefore, to avoid any inconsistency, the effective date of the portion of this regulation which lists those eight species has been delayed to coincide with the effective date shown in the final rulemaking document for those species (see 40 F.R. 44149).

Accordingly, Part 17 of Chapter I, Title 50, Code of Federal Regulations, is amended as set forth below. This amendment is effective on September 26, 1975, except that the insertion of the following species in § 17.11(i) shall be effective on "October 28, 1975: (i) Peninsular pronghorn antelope (*Antilocapra americana peninsularis*), (ii) Cedros Island mule deer (*Odocoileus hemionus cerrosensis*), (iii) Hawaiian creeper (*Loxops maculata mana*), (iv) Po'o uli (*Melamprosops phaeosoma*), (v) Newell's Manx Shearwater (*Puffinus puffinus newelli*), (vi) American crocodile (*Crocodylus acutus*), (vii) Bayou darter (*Etheostoma ru- brum*), and (viii) Scioto madtom (*Noturus trautmani*).

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Part 17, Title 50, Code of Federal Regulations, is amended and republished as follows:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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AUTHORITY: Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Subpart A—Introduction and General Provisions

§ 17.1 Purpose of regulations.

(a) The regulations in this part implement the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531-43.

(b) The regulations identify those species of wildlife and plants determined by the Director to be endangered or threatened with extinction under section 4(a) of the Act and also carry over the species and subspecies of wildlife designated as endangered under the Endangered Species Conservation Act of 1969 (83 Stat. 275, 16 U.S.C. 668cc-1 to 6) which are deemed endangered species under section 4(c)(3) of the Act.

§ 17.2 Scope of regulations.

(a) The regulations of this part apply only to endangered and threatened wildlife and plants.

(b) By agreement between the Service and the National Marine Fisheries Service, the jurisdiction of the Department of Commerce has been specifically defined to include certain species, while jurisdiction is shared in regard to certain other species. Such species are footnoted in Subpart B of this part, and reference is given to special rules of the National Marine Fisheries Service for those species.

(c) The provisions in this part are in addition to, and are not in lieu of, other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife.

(d) The examples used in this part are provided solely for the convenience of the public, and to explain the intent and meaning of the regulation to which they refer. They have no legal significance.

§ 17.3 Definitions.

In addition to the definitions contained in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 17:

"Act" means the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884);

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act [43 U.S.C. section 1603(b) (85 Stat. 588)] as a citizen of the United States who is of one-fourth degree or

more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part;

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 28, 1973, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) of this subchapter (in the case of marine mammals) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups such as cooperatives, is permitted so long as no large scale mass production results;

"Endangered" means a species of wildlife listed in § 17.11 or a species of plant listed in § 17.12 and designated as endangered.

"Harass" in the definition of "take" in the Act means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.

"Harm" in the definition of "take" in the Act means an act or omission which actually injures or kills wildlife, including acts which annoy it to such an extent as to significantly disrupt essential behavioral patterns, which include, but are not limited to, breeding, feeding or sheltering; significant environmental modification or degradation which has such effects is included within the meaning of "harm";

"Industry or trade" in the definition of "commercial activity" in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

"Native village or town" means any community, association, tribe, clan or group;

"Population" means a group of fish or wildlife in the same taxon below the subspecific level, in common spatial arrangement that interbreed when mature;

"Specimen" means any animal or plant, or any part, product, egg, seed or root of any animal or plant;

"Subsistence" means the use of endangered or threatened wildlife for food, clothing, shelter, heating, transportation and other uses necessary to maintain the life of the taker of the wildlife, or those who depend upon the taker to provide them with such subsistence, and includes selling any edible portions of such wildlife in native villages and towns in Alaska for native consumption within native villages and towns;

"Threatened" means a species of wildlife listed in § 17.11 or plant listed in § 17.12 and designated as threatened.

"Wasteful manner" means any taking or method of taking which is likely to result in the killing or injury of endangered or threatened wildlife beyond those needed for subsistence purposes, or which results in the waste of a substantial portion of the wildlife, and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of the wildlife, or which is not immediately followed by a reasonable effort to retrieve the wildlife.

§ 17.4 Pre-Act wildlife.

(a) The prohibitions defined in Subparts C and D of this Part 17 shall not apply to any activity involving endangered or threatened wildlife which was held in captivity or in a controlled environment on December 28, 1973: *Provided*,

(1) That the purposes of such holding were not contrary to the purposes of the Act; and

(2) That the wildlife was not held in the course of a commercial activity.

Example 1. On January 25, 1974, a tourist buys a stuffed hawksbill turtle (an endangered species listed since June, 1970), in a foreign country. On December 28, 1973, the stuffed turtle had been on display for sale. The tourist imports the stuffed turtle into the United States on January 26, 1974. This is a violation of the Act since the stuffed turtle was held for commercial purposes on December 28, 1973.

Example 2. On December 27, 1973 (or earlier), a tourist buys a leopard skin coat (the leopard has been listed as endangered since March 1972) for his wife in a foreign country. On January 5, he imports it into the United States. He has not committed a violation since on December 28, 1973, he was the owner of the coat, for personal purposes, and the chain of commerce had ended with the sale on the 27th. Even if he did not finish paying for the coat for another year, as long as he had possession of it, and he was not going to resell it, but was using it for personal purposes, the Act does not apply to that coat.

Example 3. On or before December 28, 1973, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in March 1974. The importation is not subject to the Act. The hunter has not engaged in a commercial activity, even though he bought the services of a guide, outfitters, and a taxidermist to help him take, preserve, and import the leopard.

This applies even if the trophy was in the possession of the taxidermist on December 28, 1973.

Example 4. On January 15, 1974, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in June 1974. This importation is a violation of the Act since the leopard was not in captivity or a controlled environment on December 28, 1973.

(b) Service officers or Customs officers may refuse to clear endangered or threatened wildlife for importation into or exportation from the United States, pursuant to § 14.53 of this subchapter, until the importer or exporter can demonstrate that the exemption referred to in this section applies. Exempt status may be established by any sufficient evidence, including an affidavit containing the following:

- (1) The affiant's name and address;
- (2) Identification of the affiant;
- (3) Identification of the endangered or threatened wildlife which is the subject of the affidavit;
- (4) A statement by the affiant that to the best of his knowledge and belief, the endangered or threatened wildlife which is the subject of the affidavit was in captivity or in a controlled environment on December 28, 1973, and was not being held for purposes contrary to the Act or in the course of a commercial activity;
- (5) A statement by the affiant in the following language:

The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to recognize an exempt status regarding (*insert description of wildlife*), under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(6) As an attachment, records or other available evidence to show:

- (i) That the wildlife in question was being held in captivity or in a controlled environment on December 28, 1973;
- (ii) The purpose for which the wildlife was being held; and
- (iii) The nature of such holding (to establish that no commercial activity was involved).

(c) This section applies only to wildlife born on or prior to December 28, 1973. It does not apply to the progeny of any such wildlife born after December 28, 1973.

§ 17.5 Alaska natives.

(a) The provisions of Subpart C of this part relating to the importation or the taking of endangered wildlife, and any provision of Subpart D of this part relating to the importation or the taking of threatened wildlife, shall not apply to:

- (1) Any Indian, Aleut, or Eskimo who is an Alaskan native and who resides in Alaska; or
- (2) Any non-native permanent resident of an Alaskan native village who is primarily dependent upon the taking of

wildlife for consumption or for the creation and sale of authentic native articles of handicrafts and clothing:

if the taking is primarily for subsistence purposes, and is not accomplished in a wasteful manner.

(b) Edible portions of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in native villages or towns in Alaska for native consumption within native villages and towns in Alaska.

(c) Non-edible by-products of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing.

§ 17.6 State cooperative agreements. [Reserved]

§ 17.7 Captive, self-sustaining populations.

(a) Whenever the Director determines that a captive, self-sustaining population of otherwise endangered wildlife exists within the United States, such population may be treated as threatened and may be listed in § 17.11. Each

such listing shall bear the notation "(C/P)" following the designation of status, to indicate that the reason for treating it as threatened rather than endangered was the attainment of a captive, self-sustaining population within the United States.

(b) The listing of species as threatened because they are captive, self-sustaining populations within the United States shall follow the same procedures as required in section 4(f) of the Act for the listing of endangered or threatened species, except that captive wildlife shall not be considered to be "resident" wildlife within the meaning of section 4(b) (1) of the Act.

(c) In determining whether to list a species as threatened because it is a captive, self-sustaining population, the Director shall consider the following factors:

- (1) The approximate number of specimens of that species that exist in captivity in the United States;
- (2) The age and sex ratios of such captive specimens;
- (3) The number of persons who have successfully propagated the species in captivity;

(4) The number of generations of the species that have been successfully propagated in captivity;

(5) The likelihood that persons owning or controlling such captive specimens will cooperate in insuring the continued existence of and reproduction among such captive specimens;

(6) The number of requests to take or import wild specimens of the same species received during the 24 months immediately prior to the date consideration of the species was undertaken;

(7) The ratio of wild born versus captive born specimens of the species in captivity in the United States; and

(8) Such other factors as he deems appropriate.

(d) Permits shall be available pursuant to § 17.33 for persons who wish to engage in otherwise prohibited activities with specimens of wildlife listed as threatened under this section.

Example. Although the XY pheasant is endangered in the wild and has been determined to be an endangered species, the Director determines that there exists in the United States a captive, self-sustaining population of the pheasant which constitutes no drain on the wildlife population. After following the proper procedures, the pheasant would be listed in § 17.11 as follows:

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Populations	Known Distribution	Portion of Range Where Endangered or Threatened			
XY Pheasant Do	<i>Gigantus smallus</i> do	N/A In captivity in U.S.	Southeast Asia N/A	Entire Entire	E T(C/P)	6 6	N/A N/A

Subpart B—Lists

§ 17.11 Endangered and threatened wildlife.

(a) The list in this section contains all the species of wildlife which are determined by the Director or by the Secretary of Commerce to be endangered or threatened. It also contains species of wildlife treated as endangered or threatened because they are similar in appearance to an endangered or threatened species (see Subpart E) or because they constitute a captive, self-sustaining population (see § 17.7).

(b) The columns entitled "Common name", "Scientific name" and "Population" define the "species" of wildlife within the meaning of the Act. Thus, two different geographic populations of the same subspecies or species will be identified by their differing geographic boundaries, even though the common and scientific names are identical for both entries. The same is true for two different color phases, identified by their unique colors. The prohibitions in the Act and in this Part 17 apply to all specimens of the "species" listed, wherever they are found, and to their progeny. Although common names are included, they cannot be relied upon for identification of any specimen, since they vary greatly in local usage.

(c) If the "status" column has an "E", that species is thereby designated as endangered. If the "status" column has a "T", that species is thereby designated as threatened. The addition of the letters "S/A" in parentheses indicates that the reason for designating the species as endangered or threatened is its similarity in appearance. The addition of the letters "C/P" in parentheses indicates that the reason for designating the species as threatened is that it constitutes a captive, self-sustaining population.

(d) For information purposes only, the "known distribution" column will indicate the normal, known distribution of a species, subspecies, or a smaller taxon. This column does not imply any limitation on the application of the prohibitions in the Act and in this Part 17. Such prohibitions apply to all specimens of the species, wherever found.

(e) The column entitled "Portion of the range where endangered or threatened" designates that portion of the range of the species over which it is endangered or threatened. The Act requires that the species must be endangered or threatened over all or a significant portion of its range in order to be listed. When a species is listed because it is similar in appearance to an endangered or threatened species, this requirement does not apply. Therefore, the notation

"N/A" (not applicable) will appear in this column.

(f) For information purposes only, the "When listed" column provides a footnote reference to the date and location of the FEDERAL REGISTER publication actually listing the species. That publication will include a statement indicating the basis for the current status.

(g) The "special rules" column is a reference to any special rules. The letters "N/A" (not applicable) appearing in this column indicate that there are no such special rules which apply to that species. However, all other appropriate rules in this Part 17 still apply to that species. In addition, there may be other rules in this Subchapter B (Parts 10-22) that also relate to such wildlife, such as port-of-entry requirements, etc. It is not intended that the references in the "Special rules" column list all the regulations of the Service which might apply to the wildlife in question, or the regulations of other Federal, State or local agencies.

(h) The listing of a particular taxonomic group includes all lower taxonomic groups. Example: If the genus *Felis* was listed, all species, subspecies, races, and populations of that genus are considered to be listed. If the species *Felis concolor* was listed, all subspecies, races, and populations of that species are considered to be listed.

SPECIES			RANGE		Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution					
MAMMALS:								
Anoa	<i>Anoa depressicornis</i>	N/A	Indonesia	Entire	E	3	N/A	
Armadillo, Pink Fairy	<i>Chlamyphorus truncatus</i>	N/A	Argentina	Do	E	3	N/A	
Ass, African Wild	<i>Equus asinus</i>	N/A	Ethiopia, Somalia, Sudan	Do	E	3	N/A	
Ass, Asian Wild	<i>Equus hemionus</i>	N/A	Southwestern and Central Asia	Do	E	3	N/A	
Avahis	<i>Arabi</i> spp. (all species)	N/A	Malagasy Republic (Madagascar)	Do	E	4	N/A	
Aye-aye	<i>Daubentonia madagascariensis</i>	N/A	Do	Do	E	3	N/A	
Bandicoot, Barred	<i>Perameles bougainville</i>	N/A	Australia	Do	E	4	N/A	
Bandicoot, Desert	<i>Perameles eremiana</i>	N/A	Do	Do	E	6	N/A	
Bandicoot, Rabbit	<i>Macrotis lagotis</i>	N/A	Do	Do	E	4	N/A	
Bandicoot, Lesser Rabbit	<i>Macrotis leucura</i>	N/A	Do	Do	E	4	N/A	
Bandicoot, Pig-footed	<i>Chaeropus ecaudatus</i>	N/A	Do	Do	E	4	N/A	
Banteng	<i>Bibos banteng</i>	N/A	Southeast Asia	Do	E	4	N/A	
Bat, Hawaiian Hoary	<i>Lasiurus cinereus semotus</i>	N/A	USA (Hawaii)	Entire	E	2	N/A	
Bat, Indiana	<i>Myotis sodalis</i>	N/A	Eastern and Midwestern USA	Do	E	1	N/A	
Bear, Grizzly	<i>Ursus arctos horribilis</i>	USA (48 conterminous States)	USA (Montana, Idaho, Wyoming)	Do	T	9	17.40(b)	
Bear, Mexican Grizzly	<i>Ursus arctos nelsoni</i>	N/A	Mexico	Do	E	3	N/A	
Bison, Wood	<i>Bison bison athabascas</i>	N/A	Canada	Do	E	3	N/A	
Cat, Tiger	<i>Felis tigrina</i>	N/A	Costa Rica to Northern South America	Do	E	4	N/A	
Cheetah	<i>Acinonyx jubatus</i>	N/A	Africa to India	Do	E	3,5	N/A	
Colobus, Red	<i>Colobus badius rufomitratus</i>	N/A	Kenya	Do	E	4	N/A	
Colobus, Zanzibar Red	<i>Colobus badius kirkii</i>	N/A	Tanzania (Zanzibar)	Do	E	4	N/A	
Cougar, Eastern	<i>Felis concolor cougar</i>	N/A	Eastern USA	Do	E	6	N/A	
Deer, Bawean	<i>Helaphus kuhli (Cervus kuhli)</i>	N/A	Indonesia	Do	E	3	N/A	
Deer, Brow-antlered, Eld's	<i>Cervus eldi</i>	N/A	India, Southeast Asia	Do	E	4	N/A	
Deer, Cedros Island Mule	<i>Odocoileus hemionus cerrosensis</i>	N/A	Mexico (Cedros Island)	Entire	E	10	N/A	
Deer, Columbian Whitetailed	<i>Odocoileus virginianus leucurus</i>	N/A	USA (Oregon, Washington)	Do	E	1	N/A	
Deer, Key	<i>Odocoileus virginianus clartum</i>	N/A	USA (Florida)	Do	E	1	N/A	
Deer, Marsh	<i>Blastocercus dichotomus</i>	N/A	Argentina, Uruguay, Paraguay, Brazil	Do	E	4	N/A	
Deer, McNeill's	<i>Cervus elaphus macneilli</i>	N/A	China, Tibet	Do	E	4	N/A	
Deer, Persian Fallow	<i>Dama dama mesopotamica</i>	N/A	Iraq, Iran	Do	E	3	N/A	
Deer, Swamp	<i>Cervus duvauceli</i>	N/A	India, Nepal	Do	E	4	N/A	
Dibatag (see Gazelle, Clark's)								
Dibbler	<i>Antechinus apicalis</i>	N/A	Australia	Do	E	4	N/A	
Dog, Asiatic Wild (Dhole)	<i>Cuon alpinus</i>	N/A	USSR, India	Do	E	4	N/A	
Dugong	<i>Dugong dugon</i>	N/A	East Africa to Ryukyu Islands	Do	E	4	N/A	
Ferret, Black-footed	<i>Mustela nigripes</i>	N/A	Western USA and Western Canada	Do	E	1,3	N/A	
Forester, Tasmanian (Kangaroo)	<i>Macropus giganteus tasmanien-</i>	N/A	Australia	Do	E	6	N/A	
Fox, Northern Kit	<i>Vulpes velox hebes</i>	N/A	Canada	Do	E	3	N/A	
Fox, San Joaquin Kit	<i>Vulpes macrotis mutica</i>	N/A	USA (California)	Do	E	1	N/A	
Gazelle, Clark's (Dibatag)	<i>Ammodorcas clarkii</i>	N/A	Somalia, Ethiopia	Do	E	3	N/A	
Gazelle, Cuviers	<i>Gazella cuvieri</i>	N/A	Morocco, Tunisia	Do	E	4	N/A	
Gazelle, Mhor	<i>Gazella dama mhor</i>	N/A	Morocco	Do	E	4	N/A	
Gazelle, Moroccan (Dorcas)	<i>Gazella dorcas massaeryla</i>	N/A	Morocco, Algeria	Do	E	4	N/A	
Gazelle, Rio de Oro Dama	<i>Gazella dama lozanoi</i>	N/A	Spanish Sahara	Do	E	4	N/A	
Gazelle, Slender-horned (Rhim)	<i>Gazella leptoceros</i>	N/A	Sudan, Algeria, Egypt, Libya	Do	E	4	N/A	
Gibbon, Kloss	<i>Hylobates klossi</i>	N/A	Indonesia	Do	E	4	N/A	
Gibbon, Pileated	<i>Hylobates pileatus</i>	N/A	Laos, Thailand, Cambodia	Do	E	4	N/A	
Gorilla	<i>Gorilla gorilla</i>	N/A	Central and Western Africa	Do	E	4	N/A	
Hartebeest, Swayne's	<i>Alcelaphus buselaphus swaynei</i>	N/A	Ethiopia	Do	E	4	N/A	
Hog, Pygmy	<i>Sus salvatus</i>	N/A	India, Nepal, Bhutan, Sikkim	Do	E	4	N/A	
Hyena, Barbary	<i>Hyena hyaena barbara</i>	N/A	Morocco	Do	E	4	N/A	
Hyena, Brown	<i>Hyena brunnea</i>	N/A	South Africa	Do	E	4	N/A	
Iber, Pyrenean	<i>Capra pyrenaica pyrenaica</i>	N/A	Spain	Do	E	3	N/A	
Iber, Wallia	<i>Capra wallie</i>	N/A	Ethiopia	Do	E	3	N/A	
Impala, Black-faced	<i>Aepyceros melampus petersi</i>	N/A	Southwest Africa, Angola	Do	E	4	N/A	
Indris	<i>Indri</i> spp (all species)	N/A	Malagasy Republic (Madagascar), Comoro I.	Do	E	3,4	N/A	
Jaguar	<i>Panthera onca</i>	N/A	Central and South America	Do	E	4	N/A	
Kangaroo, Eastern Gray (see also Forester, Tasmanian)	<i>Macropus giganteus</i> (all subspecies except <i>tasmanien-</i>)	N/A	Australia	Do	T	7	17.40(a)	
Kangaroo, Red	<i>Megaleia rufa</i>	N/A	Australia	Do	T	7	17.40(a)	
Kangaroo, Western Gray	<i>Macropus fuliginosus</i>	N/A	Cambodia	Do	E	3	N/A	
Kouprey	<i>Bos sauveli</i>	N/A	Indochina, China (Hainan)	Entire	E	4	N/A	
Langur, Douc	<i>Pygathrix nemaeus</i>	N/A	Indonesia	Do	E	4	N/A	
Langur, Pagi Island	<i>Simias concolor</i>	N/A	Zambia	Do	E	4	N/A	
Lechwe, Black	<i>Kobus leche smithemani</i>	N/A	Malagasy Republic (Madagascar)	Do	E	3,4	N/A	
Lemurs	<i>Lemuridae</i> : all members of the Genera <i>Lemur</i> , <i>Haplorhina</i> , <i>Lepilemur</i> , <i>Cheirogaleus</i> , <i>Microcebus</i> , <i>Phaner</i>	N/A						
Leopard	<i>Panthera pardus</i>	N/A	Africa and Asia	Do	E	3,5	N/A	
Leopard, Formosan Clouded	<i>Neofelis nebulosa brachyurus</i>	N/A	Taiwan	Do	E	4	N/A	
Leopard, Snow	<i>Panthera uncia</i>	N/A	Central Asia	Do	E	5	N/A	
Lion, Asiatic	<i>Panthera leo persica</i>	N/A	India	Do	E	3	N/A	
Lynx, Spanish	<i>Felis lynx pardina (Felis pardina)</i>	N/A	Spain	Do	E	3	N/A	
Macaque, Lion-tailed	<i>Macaca silenus</i>	N/A	India	Do	E	3	N/A	
Manatee, Amazonian	<i>Trichechus inunguis</i>	N/A	South America: Amazon River Basin	Do	E	3	N/A	
Manatee, West Indian (Florida)	<i>Trichechus manatus</i>	N/A	USA (Florida), Caribbean, South America	Entire	E	1,3	N/A	
Mangabey, Tana River	<i>Cercopithecus galeries galeries</i>	N/A	Kenya	Do	E	3	N/A	
Margay	<i>Felis wiedii</i>	N/A	Central and South America	Do	E	5	N/A	
Marmoset, Gould's	<i>Callimico goeldii</i>	N/A	Brazil, Colombia, Ecuador, Peru	Do	E	4	N/A	
Marmoset, Golden (See Tamarin)								
Marsupial, Eastern Jarboa	<i>Antechinomys laniger</i>	N/A	Australia	Do	E	4	N/A	
Marsupial-mouse, Large Desert	<i>Sminthopsis psammophila</i>	N/A	Australia	Do	E	4	N/A	
Marsupial-mouse, Long-tailed	<i>Sminthopsis longicaudata</i>	N/A	Australia	Do	E	4	N/A	
Marten, Formosan Yellow-throated	<i>Martes flavigula chrysopila</i>	N/A	Taiwan	Do	E	4	N/A	
Monk-seal (See Seal, Mediterranean Monk)								
Monkey, Spider	<i>Ateles geoffroyi frontatus</i>	N/A	Costa Rica, Nicaragua	Do	E	3	N/A	
Monkey, Spider	<i>Ateles geoffroyi panamensis</i>	N/A	Costa Rica, Panama	Do	E	3	N/A	
Monkey, Red-backed Squirrel	<i>Saimiri oerstedii (Saimiri schre-</i>	N/A	Costa Rica, Panama	Do	E	3	N/A	
	<i>urus oerstedii</i>							

SPECIES			RANGE		Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution					
Monkey, Woolly Spider	<i>Brachyteles arachnoides</i>	N/A	Brazil		Entire	E	4	N/A
Mouse, Field's	<i>Pseudomys fieldi</i>	N/A	Australia		Do	E	4	N/A
Mouse, Gould's	<i>Pseudomys gouldii</i>	N/A	Do		Do	E	6	N/A
Mouse, New Holland	<i>Pseudomys novaehollandiae</i>	N/A	Do		Do	E	4	N/A
Mouse, Salt Marsh Harvest	<i>Reithrodontomys raviventris</i>	N/A	USA (California)		Do	E	2	N/A
Mouse, Shark Bay	<i>Pseudomys praeconis</i>	N/A	Australia		Do	E	4	N/A
Mouse, Shortridge's	<i>Pseudomys shortridgei</i>	N/A	Do		Do	E	4	N/A
Mouse, Smoky	<i>Pseudomys fumcus</i>	N/A	Do		Do	E	4	N/A
Mouse, Western	<i>Pseudomys occidentalis</i>	N/A	Do		Do	E	4	N/A
Native-cat, Eastern	<i>Dasyurus rixerrinus</i>	N/A	Do		Do	E	6	N/A
Numbat	<i>Myrmecobius fasciatus</i>	N/A	Do		Do	E	6	N/A
Ocelot	<i>Felis pardalis</i>	N/A	Central and South America		Do	E	5	N/A
Orangutan	<i>Pongo pygmaeus</i>	N/A	Indonesia, Malaysia, Brunei		Entire	E	3	N/A
Oryx, Arabian	<i>Oryx leucoryx</i>	N/A	Arabian Peninsula		Do	E	3	N/A
Otter, Cameroon Clawless	<i>Paronyx microdon</i>	N/A	Cameroons		Do	E	4	N/A
Otter, Giant	<i>Pteronura brasiliensis</i>	N/A	South America		Do	E	3	N/A
Otter, La Plata	<i>Lutra platensis</i>	N/A	Uruguay, Argentina, Bolivia,		Do	E	4	N/A
Panther, Florida	<i>Felis concolor coryi</i>	N/A	Brazil		Do	E	1	N/A
Planigale, Little	<i>Planigale subtilissima</i>	N/A	USA (Florida)		Do	E	4	N/A
Planigale, Southern	<i>Planigale tenuirostris</i>	N/A	Australia		Do	E	4	N/A
Porcupine, Thin-spined	<i>Chaetomys subspinosus</i>	N/A	Do		Do	E	4	N/A
Possum, Mountain Pygmy	<i>Burramys parvus</i>	N/A	Brazil		Do	E	3	N/A
Possum, Sealy-tailed	<i>Wyluda squamicaudata</i>	N/A	Australia		Do	E	4	N/A
Prairie Dog, Mexican	<i>Cynomys mexicanus</i>	N/A	Do		Do	E	4	N/A
Prairie Dog, Utah	<i>Cynomys parvidens</i>	N/A	Mexico		Do	E	4	N/A
Pronghorn, Peninsular	<i>Antilocapra americana peninsularis</i>	N/A	USA (Utah)		Entire	E	6	N/A
Pronghorn, Sonoran	<i>Antilocapra americana sonoriensis</i>	N/A	Mexico (Baja California)		Do	E	10	N/A
Quokka	<i>Setonix brachyurus</i>	N/A	USA (Arizona) Mexico		Do	E	1, 3	N/A
Rabbit, Volcano	<i>Romerolagus diazi</i>	N/A	Australia		Do	E	6	N/A
Rat, Morro Bay Kangaroo	<i>Dipodomys heermanni morroensis</i>	N/A	Mexico		Do	E	4	N/A
Rat, Stick-nest	<i>Leporillus conditor</i>	N/A	USA (California)		Do	E	2	N/A
Rat, False Water	<i>Xeromys myoides</i>	N/A	Australia		Do	E	6	N/A
Rat-kangaroo, Brushtailed	<i>Bettongia penicillata</i>	N/A	Do		Do	E	4	N/A
Rat-kangaroo, Gaimard's	<i>Bettongia gaimardi</i>	N/A	Do		Do	E	4	N/A
Rat-kangaroo, Hesseur's	<i>Bettongia lesueur</i>	N/A	Do		Do	E	6	N/A
Rat-kangaroo, Plain	<i>Caloprymnus campestris</i>	N/A	Do		Do	E	4	N/A
Rat-kangaroo, Queensland	<i>Bettongia tropica</i>	N/A	Do		Do	E	4	N/A
Rhin (see Gazelle, Slender-horned)			Australia		Entire	E	4	N/A
Rhinoceros, Great Indian	<i>Rhinoceros unicornis</i>	N/A	India, Nepal		Do	E	4	N/A
Rhinoceros, Javan	<i>Rhinoceros sondaicus</i>	N/A	Indonesia, Burma, Thailand		Do	E	3	N/A
Rhinoceros, Northern White	<i>Ceratotherium simum cottoni</i>	N/A	Zaire, Uganda, Sudan, Central African Republic		Do	E	4	N/A
Rhinoceros, Sumatran	<i>Didermoceros sumatrensis</i>	N/A	Bangladesh to Viet-Nam to Indonesia (Borneo)		Do	E	3	N/A
Saki, White-nosed	<i>Chiropotes albinasus</i>	N/A	Do		Do	E	4	N/A
Seal, Mediterranean Monk	<i>Monachus monachus</i>	N/A	Brazil		Do	E	4	N/A
Seledang (Gaur)	<i>Bos gaurus</i>	N/A	Mediterranean, Northwest African Coast and Black Sea		Do	E	3	N/A
Serval, Barbary	<i>Felis serval constantina</i>	N/A	India, Southeast Asia, Bangladesh.		Do	E	4	N/A
Shou	<i>Cervus elaphus walli</i>	N/A	Algeria		Do	E	4	N/A
Sifakas	<i>Propithecus</i> spp. (all species)	N/A	Tibet, Bhutan		Do	E	4	N/A
Sloth, Brazilian Three-toed	<i>Bradypus torquatus</i>	N/A	Malagasy Republic (Madagascar)		Entire	E	4	N/A
Snow Leopard (see Leopard)			Brazil		Do	E	4	N/A
Solenodon, Cuban	<i>Atopogale cubana</i>	N/A	Cuba		Do	E	4	N/A
Solenodon, Haitian	<i>Solenodon paradoxus</i>	N/A	Dominican Republic, Haiti		Do	E	4	N/A
Squirrel, Delmarva Peninsula Fox	<i>Sciurus niger cinereus</i>	N/A	USA (Maryland)		Do	E	1	N/A
Stag, Barbary	<i>Cervus elaphus barbarus</i>	N/A	Tunisia, Algeria		Do	E	3	N/A
Stag, Kashmir	<i>Cervus elaphus hanglu</i>	N/A	India (Kashmir)		Do	E	3	N/A
Tamaraw	<i>Anoa mindorensis</i>	N/A	Philippines		Do	E	4	N/A
Tamarin, Golden-rumped (Golden-headed Tamarin; Golden-lion Marmoset)	<i>Leontideus</i> spp. (all species)	N/A	Brazil		Do	E	3	N/A
Tapir, Brazilian	<i>Tapirus terrestris</i>	N/A	Venezuela, Argentina, Brazil,		Do	E	4	N/A
Tapir, Central American	<i>Tapirus bairdii</i>	N/A	Colombia		Do	E	4	N/A
Tapir, Mountain	<i>Tapirus pinchaque</i>	N/A	Southern Mexico to Colombia and Ecuador		Do	E	4	N/A
Thylacine (See Tiger, Tasmanian)			Colombia		Do	E	4	N/A
Tiger	<i>Panthera tigris</i>	N/A	Temperate and Tropical Asia		Entire	E	3, 5	N/A
Tiger, Tasmanian (Thylacine)	<i>Thylacinus cynocephalus</i>	N/A	Australia		Do	E	3	N/A
Uakari	<i>Cacajao</i> spp. (all species)	N/A	Peru, Colombia, Brazil, Venezuela, Ecuador		Do	E	3	N/A
Vicuña	<i>Vicugna vicugna</i>	N/A	Peru, Bolivia, Argentina		Do	E	3	N/A
Wallaby, Banded Hare	<i>Lagostrophus fasciatus</i>	N/A	Australia		Do	E	4	N/A
Wallaby, Brindled Nail-tail	<i>Onychogalea frenata</i>	N/A	Do		Do	E	4	N/A
Wallaby, Crescent Nail-tail	<i>Onychogalea lunata</i>	N/A	Do		Do	E	4	N/A
Wallaby, Parma	<i>Macropus parma</i>	N/A	Do		Do	E	4	N/A
Wallaby, Western Hare	<i>Lagorchestes hirsutus</i>	N/A	Do		Do	E	4	N/A
Wallaby, Yellow-footed Rock	<i>Petrogale xanthopus</i>	N/A	Do		Do	E	6	N/A
Whale, Blue	<i>Balaenoptera musculus</i>	N/A	Oceanic		Do	E	4	N/A
Whale, Bowhead	<i>Balaena mysticetus</i>	N/A	Oceanic		Entire	E	4	N/A
Whale, Finback	<i>Balaenoptera physalus</i>	N/A	Do		Do	E	4	N/A
Whale, Gray	<i>Eschrichtius gibborus</i>	N/A	Do		Do	E	4	N/A
Whale, Humpback	<i>Megaptera novaeangliae</i>	N/A	Do		Do	E	4	N/A
Whale, Right	<i>Eubalaena</i> spp. (all species)	N/A	Do		Do	E	4	N/A
Whale, Sei	<i>Balaenoptera borealis</i>	N/A	Do		Do	E	4	N/A
Whale, Sperm	<i>Physeter catodon</i>	N/A	Do		Do	E	4	N/A
Wolf, Eastern Timber	<i>Canis lupus lycaon</i>	N/A	USA (Minnesota, Michigan), Eastern Canada		Do	E	1	N/A
Wolf, Maned	<i>Chrysocyon brachyurus</i>	N/A	Argentina, Bolivia, Brazil, Paraguay		Do	E	4	N/A
Wolf, Northern Rocky Mountain	<i>Canis lupus irremotus</i>	N/A	USA (Wyoming, Montana)		Do	E	6	N/A
Wolf, Red	<i>Canis rufus</i>	N/A	USA (Texas, Louisiana)		Do	E	6	N/A
Wombat, Barnard's	<i>Lasiorhinus barnardi</i>	N/A	Australia		Do	E	4	N/A
Wombat, Queensland Hairy-nosed	<i>Lasiorhinus gillespiei</i>	N/A	Australia		Do	E	6	N/A
Yak, Wild	<i>Bos grunniens mutus</i>	N/A	Tibet, India		Entire	E	4	N/A

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered			
BIRDS:							
Akepa, Hawaii (Honeycreeper)	<i>Loricops coccinea coccinea</i>	N/A	USA (Hawaii)	Entire	E	2	N/A
Akepa, Maui (Honeycreeper) (akepule)	<i>Loricops coccinea ochracea</i>	N/A	USA (Hawaii)	Entire	E	2	N/A
Akialoa, Kauai (Honeycreeper)	<i>Hemignathus procerus</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Akiapolaau (Honeycreeper)	<i>Hemignathus wilsoni</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Albatross, Short-tailed	<i>Diomedea albatrus</i>	N/A	Japan	Entire	F	3	N/A
Bobwhite, Masked (Quail)	<i>Colinus virginianus ridgwayi</i>	N/A	USA (Arizona, New Mexico, Northern Mexico)	Entire	F	1, 3	N/A
Bristlebird, Western (Flycatcher)	<i>Dasyornis brachypterus longirostris</i>	N/A	Australia	Entire	F	4	N/A
Bulbul, Mauritius Olivaceous	<i>Hypsipetes borbonicus olivaceus</i>	N/A	Mauritius	Entire	F	3	N/A
Bullfinch, Sao Miguel (Finch)	<i>Pyrrhula pyrrhula murina</i>	N/A	Eastern Atlantic Ocean: Portugal (Azores)	Entire	F	3	N/A
Bustard, Great Indian	<i>Choriotis nigripes</i>	N/A	India, Pakistan	Entire	F	3	N/A
Cahow (Bermuda Petrel)	<i>Phaethon cahoo</i>	N/A	Western Atlantic Ocean: Bermuda	Entire	F	4	N/A
Condor, Andean	<i>Vultur gryphus</i>	N/A	Colombia to Chile and Argentina	Entire	F	4	N/A
Condor, California	<i>Gymnogyps californianus</i>	N/A	USA (California)	Entire	F	1	N/A
Coot, Hawaiian	<i>Fulica americana alai</i>	N/A	USA (Hawaii)	Entire	F	2	N/A
Crane, Hooded	<i>Grus monacha</i>	N/A	Japan, USSR	Entire	F	4	N/A
Crane, Japanese	<i>Grus japonensis</i>	N/A	China, Japan, Korea, USSR	Entire	F	4	N/A
Crane, Mississippi Sandhill	<i>Grus canadensis pulla</i>	N/A	USA (Mississippi)	Entire	F	6	N/A
Crane, Siberian White	<i>Grus leucogeranus</i>	N/A	Siberia to India	Entire	F	4	N/A
Crane, Whooping	<i>Grus americana</i>	N/A	Canada, USA	Entire	F	1, 3	N/A
Creep, Hawaii	<i>Loricops maculata mana</i>	N/A	USA (Hawaii)	Entire	F	10	N/A
Creep, Molokai (Kakawahie) (Honeycreeper)	<i>Loricops maculata flammea</i>	N/A	USA (Hawaii)	Entire	F	2	N/A
Creep, Oahu (Alauwahio) (Honeycreeper)	<i>Loricops maculata maculata</i>	N/A	USA (Hawaii)	Entire	F	2	N/A
Crow, Hawaiian (Alala)	<i>Corvus tropicus</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Cuckoo-shrike, Mauritius	<i>Coccyzus typicus</i>	N/A	Mauritius	Entire	F	3	N/A
Cuckoo-shrike, Reunion	<i>Coccyzus reuionensis</i>	N/A	Indian Ocean: France (Reunion I.)	Entire	F	3	N/A
Curassow, Red-billed	<i>Crao blumenbachii</i>	N/A	Brazil	Entire	F	4	N/A
Curassow, Trinidad White-headed	<i>Pipilo pipilo pipilo</i>	N/A	West Indies: Trinidad	Entire	F	3	N/A
Curlew, Eskimo	<i>Numenius borealis</i>	N/A	Canada to Argentina	Entire	F	1, 3	N/A
Dove, Cloven-feathered	<i>Drepanoptila holosericea</i>	N/A	Southwest Pacific Ocean: New Caledonia	Entire	F	4	N/A
Dove, Grenada	<i>Leptotila wellsi</i>	N/A	West Indies: Grenada	Entire	F	4	N/A
Dove, Palau Ground	<i>Gallicolumba canifrons</i>	N/A	West Pacific Ocean: Palau Islands	Entire	F	4	N/A
Duck, Hawaiian (Koloa)	<i>Anas wyvilliana</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Duck, Laysan	<i>Anas laysonensis</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Duck, Mexican	<i>Anas diazi</i>	N/A	USA (Texas, Arizona), Mexico	Entire	F	1	N/A
Duck, White-winged Wood	<i>Cairina scolopacea</i>	N/A	India, Burma, Thailand, Malaysia, Indonesia	Entire	F	3	N/A
Eagle, Monkey-eating	<i>Pithecopaga jelskii</i>	N/A	Philippines	Entire	F	3	N/A
Eagle, Southern Bald	<i>Haliaeetus leucorhynchus leucorhynchus</i>	N/A	USA (South of the 40th Parallel)	Entire	F	1	N/A
Eagle, Spanish Imperial	<i>Aquila heliaca adalberti</i>	N/A	Spain, Morocco, Algeria	Entire	F	4	N/A
Egret, Chinese	<i>Egretta eulophotes</i>	N/A	China, Korea	Entire	F	4	N/A
Falcon, American	<i>Falco peregrinus anatum</i>	N/A	Canada, USA, Mexico	Entire	F	2, 3	N/A
Peregrine	<i>Falco peregrinus tundrius</i>	N/A	Canada, USA, Greenland to South America	Entire	F	2, 4	N/A
Falcon, Arctic Peregrine	<i>Falco peregrinus tundrius</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Finches, Laysan and Nihoa (Honeycreepers)	<i>Psittirostra cantans</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Flycatcher, Chatham Island Robin	<i>Petroica traversi</i>	N/A	New Zealand	Entire	F	4	N/A
Flycatcher, Euler's (Tyrant)	<i>Empidonax euleri johannstoni</i>	N/A	West Indies: Grenada	Entire	F	3	N/A
Flycatcher, Grey-necked Rock-fowl	<i>Picathartes orcas</i>	N/A	Cameroon	Entire	F	3	N/A
Flycatcher, Palau Fantail	<i>Rhipidura lepida</i>	N/A	West Pacific Ocean: Palau Islands	Entire	F	4	N/A
Flycatcher, Scarlet-breasted Robin (Tyrant)	<i>Petroica multicolor multicolor</i>	N/A	Australia (Norfolk I.)	Entire	F	3	N/A
Flycatcher, Seychelles Black	<i>Trochilophaga corvina</i>	N/A	Indian Ocean: Seychelles	Entire	F	4	N/A
Flycatcher, Tahiti	<i>Pomarea nigra nigra</i>	N/A	South Pacific Ocean: Tahiti	Entire	F	3	N/A
Flycatcher, Whitenecked Rock-fowl	<i>Picathartes gymnocephalus</i>	N/A	Africa: Togo to Sierra Leone	Entire	F	3	N/A
Fody, Seychelles (Weaver-finch)	<i>Foudia sechellarum</i>	N/A	Indian Ocean: Seychelles	Entire	F	3	N/A
Gallinule, Hawaiian	<i>Gallinula chloropus sandvicensis</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Goose, Aleutian Canada	<i>Branta canadensis leucopareia</i>	N/A	Western USA, Japan	Entire	F	1, 4	N/A
Goose, Hawaiian (Nele)	<i>Branta sandvicensis</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Goshawk, Christmas Island	<i>Accipiter fasciatus natalis</i>	N/A	Indian Ocean: Australia (Christmas I.)	Entire	F	3	N/A
Grackle, Slender-billed	<i>Cassidix palustris</i>	N/A	Mexico	Entire	F	4	N/A
Grass-wren, Eyrean (Flycatcher)	<i>Amphispiza bilineata</i>	N/A	Australia	Entire	F	4	N/A
Grebe, Atitlan	<i>Podilymbus podiceps</i>	N/A	Guatemala	Entire	F	3	N/A
Guan, Horned	<i>Oreophaps derbianus</i>	N/A	Guatemala, Mexico	Entire	F	3	N/A
Gull, Audouin's	<i>Larus audouinii</i>	N/A	Mediterranean Sea and adjacent lands	Entire	F	3	N/A
Hawk, Anjouan Island Sparrow	<i>Accipiter francesii pusillus</i>	N/A	Indian Ocean: Comoro Islands	Entire	F	3	N/A
Hawk, Galapagos	<i>Buteo galapagoensis</i>	N/A	Ecuador (Galapagos Islands)	Entire	F	3	N/A
Hawk, Hawaiian (Io)	<i>Buteo solitarius</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Honeycreeper, Crested (Akohekohe)	<i>Palmeria dolei</i>	N/A	USA (Hawaii)	Entire	F	1	N/A
Honeyeater, Helmeted	<i>Meliphaga cassidix</i>	N/A	Australia	Entire	F	4	N/A
Ibis, Japanese Crested	<i>Nipponia nippon</i>	N/A	China, Japan, Korea, USSR	Entire	F	3	N/A
Kagu (Rail)	<i>Rhynchotus jubatus</i>	N/A	Southwest Pacific Ocean: New Caledonia	Entire	F	3	N/A
Kakapo (Owl Parrot)	<i>Strigops habroptilus</i>	N/A	New Zealand	Entire	F	4	N/A
Kestrel, Mauritius	<i>Falco punctatus</i>	N/A	Mauritius	Entire	F	3	N/A
Kestrel, Seychelles	<i>Falco araea</i>	N/A	Indian Ocean: Seychelles	Entire	F	3	N/A
Kite, Cuba Hookbilled	<i>Chondrohierax wilsonii</i>	N/A	Cuba	Entire	F	4	N/A
Kite, Grenada Hookbilled	<i>Chondrohierax uncinatus mirus</i>	N/A	West Indies: Grenada	Entire	F	4	N/A
Kite, Florida Everglade (Snail Kite)	<i>Eurostocheilus sociabilis plumbeus</i>	N/A	USA (Florida)	Entire	F	1	N/A
Kokako (Wattlebird)	<i>Callacops cinerea</i>	N/A	New Zealand	Entire	F	3	N/A
Magpie-robin, Seychelles (Thrush)	<i>Coppychus sechellarum</i>	N/A	Indian Ocean: Seychelles	Entire	F	3	N/A
Malkoha, Red-faced	<i>Phaethon rubricauda</i>	N/A	Sri Lanka	Entire	F	3	N/A
Megapode, La Perouse's	<i>Megapodius laevis</i>	N/A	Western Pacific Ocean: Palau Islands, Mariana Islands	Entire	F	4	N/A

SPECIES			RANGE		Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution					
Megapode, Maleo	<i>Macrocephalon maleo</i>	N/A	Indonesia (Celebes)	Entire	E	4	N/A	
Millerbird, Nihoa (Warbler)	<i>Acrocephalus kingi</i>	N/A	USA (Hawaii)	Do	E	1	N/A	
Monals (see Pheasant)								
Monarch, Tinian (Tyrant Fly-catcher)	<i>Monarcha takatsukasae</i>	N/A	Western Pacific Ocean: Manana Islands (Tinian)	Do	E	3	N/A	
Nukupuu, Kauai & Maui (Honeycreeper)	<i>Hemignathus lucidus</i>	N/A	USA (Hawaii)	Do	E	2	N/A	
Oo, Kauai (Oo Aa) (Honeyeater)	<i>Moho braccatus</i>	N/A	USA (Hawaii)	Do	E	1	N/A	
Ostrich, Arabian	<i>Struthio camelus syriacus</i>	N/A	Jordan, Saudi Arabia	Do	E	3	N/A	
Ostrich, West African	<i>Struthio camelus spatzi</i>	N/A	Spanish Sahara	Do	E	4	N/A	
Ou (Honeycreeper)	<i>Psittirostra psittacea</i>	N/A	USA (Hawaii)	Do	E	1	N/A	
Owl, Indian Scops	<i>Otus rufus capnodes</i>	N/A	Indian Ocean: Comoro Islands	Do	E	3	N/A	
Owl, Palau	<i>Otus podargina</i>	N/A	Western Pacific Ocean: Palau Islands	Entire	E	4	N/A	
Owl, Seychelles	<i>Otus insularis</i>	N/A	Indian Ocean: Seychelles	Do	E	3	N/A	
Owlet, Mrs. Morden's	<i>Otus irenae</i>	N/A	Kenya	Do	E	3	N/A	
Palila (Honeycreeper)	<i>Psittirostra bailliei</i>	N/A	USA (Hawaii)	Do	E	1	N/A	
Parakeet, Forbes'	<i>Cyanoramphus auriceps forbesi</i>	N/A	New Zealand	Do	E	4	N/A	
Parakeet, Golden-shouldered	<i>Psephotus chrysopleuratus</i>	N/A	Australia	Do	E	4	N/A	
Parakeet, Mauritius Ringnecked	<i>Psittacula krameri echo</i>	N/A	Mauritius	Do	E	4	N/A	
Parakeet, Ochre-marked	<i>Pyrrhura cruentata</i>	N/A	Brazil	Do	E	4	N/A	
Parakeet, Orange-bellied	<i>Neophema chrysogaster</i>	N/A	Australia	Do	E	4	N/A	
Parakeet, Paradise	<i>Psephotus pulcherrimus</i>	N/A	Australia	Do	E	4	N/A	
Parakeet, Scarlet-chested	<i>Neophema splendida</i>	N/A	Australia	Entire	E	4	N/A	
Parakeet, Turquoise	<i>Neophema pulchella</i>	N/A	Australia	Do	E	4	N/A	
Parrot, Bahamas	<i>Amazona leucocephala bahamensis</i>	N/A	Western Atlantic Ocean: Bahamas	Do	E	3	N/A	
Parrot, Ground	<i>Pezoporus wallicus</i>	N/A	Australia	Do	E	6	N/A	
Parrot, Imperial	<i>Amazona imperialis</i>	N/A	West Indies: Dominica	Do	E	4	N/A	
Parrot, Night	<i>Ceopsittacus occidentalis</i>	N/A	Australia	Do	E	3	N/A	
Parrot, Puerto Rican	<i>Amazona vittata</i>	N/A	USA (Puerto Rico)	Do	E	1	N/A	
Parrot, Red-browed	<i>Amazona rhodocorytha</i>	N/A	Brazil	Do	E	4	N/A	
Parrot, St. Lucia	<i>Amazona versicolor</i>	N/A	West Indies: St. Lucia	Do	E	4	N/A	
Parrot, St. Vincent	<i>Amazona guildingii</i>	N/A	West Indies: St. Vincent	Do	E	4	N/A	
Parrot, Thick-billed	<i>Rhynchopsitta pachyrhyncha</i>	N/A	Mexico, USA (Arizona, New Mexico)	Entire	E	3	N/A	
Parrotbill, Maui (Honeycreeper)	<i>Pseudonestor xanthophrys</i>	N/A	USA (Hawaii)	Do	E	1	N/A	
Pelican, Brown	<i>Pelecanus occidentalis</i>	N/A	USA, West Indies, Central and South America: Coastal	Do	E	2,4	N/A	
Penguin, Galapagos	<i>Spheniscus mendiculus</i>	N/A	Ecuador (Galapagos Islands)	Do	E	2,4	N/A	
Petrel, Hawaiian Dark-rumped	<i>Pterodroma phaeopygia sandwichensis</i>	N/A	USA (Hawaii)	Do	E	1	N/A	
Pheasant, Bar-tailed	<i>Symaticus himiae</i>	N/A	Burma, China	Do	E	3	N/A	
Pheasant, Blyth's Tragopan	<i>Tragopan blythii</i>	N/A	Burma, China, India	Do	E	3	N/A	
Pheasant, Brown-eared	<i>Crossoptilon manichuricum</i>	N/A	China	Do	E	3	N/A	
Pheasant, Cabot's Tragopan	<i>Tragopan caboti</i>	N/A	China	Do	E	3	N/A	
Pheasant, Chinese Monal	<i>Lophophorus lhuysii</i>	N/A	China	Do	E	3	N/A	
Pheasant, Edward's	<i>Lophura edwardsi</i>	N/A	Vietnam	Entire	E	3	N/A	
Pheasant, Imperial	<i>Lophura imperialis</i>	N/A	Vietnam	Do	E	3	N/A	
Pheasant, Mikado	<i>Symaticus mikado</i>	N/A	Taiwan	Do	E	4	N/A	
Pheasant, Palawan Peacock	<i>Polyplectron emphanum</i>	N/A	Philippines	Do	E	3	N/A	
Pheasant, Slater's Monal	<i>Lophophorus slateri</i>	N/A	Burma, China, India	Do	E	3	N/A	
Pheasant, Swinhoe's	<i>Lophura swinhoii</i>	N/A	Taiwan	Do	E	3	N/A	
Pheasant, Western Tragopan	<i>Tragopan melanocephalus</i>	N/A	India, Pakistan	Do	E	3	N/A	
Pheasant, White-eared	<i>Crossoptilon crossoptilon</i>	N/A	China (Tibet), India	Do	E	4	N/A	
Pigeon, Azores Wood	<i>Columba palumbus azorica</i>	N/A	East Atlantic Ocean: Portugal (Azores)	Do	E	3	N/A	
Pigeon, Chatham Island	<i>Hemiphysa novaeselandiae chathamensis</i>	N/A	New Zealand	Do	E	4	N/A	
Pigeon, Puerto Rican Plain	<i>Columba inornata wetmorei</i>	N/A	USA (Puerto Rico)	Entire	E	2	N/A	
Piopio (Wattlebird)	<i>Turnagra capensis</i>	N/A	Indian Ocean: France (Reunion Island)	Do	E	3	N/A	
Prairie Chicken, Attwater's Greater	<i>Tympanuchus cupido attwateri</i>	N/A	USA (Texas)	Do	E	1	N/A	
Plover, New Zealand Shore	<i>Thinornis novaeselandiae</i>	N/A	New Zealand	Do	E	4	N/A	
Po'o Uli	<i>Melanerpes formicivorus</i>	N/A	USA (Hawaii)	Do	E	10	N/A	
Rail, Auckland Island	<i>Rallus pectoralis mulleri</i>	N/A	New Zealand	Do	E	3	N/A	
Rail, California Clapper	<i>Rallus longirostris obsoletus</i>	N/A	USA (California)	Do	E	2	N/A	
Rail, Light-footed Clapper	<i>Rallus longirostris leucipes</i>	N/A	Mexico, USA (California)	Do	E	2	N/A	
Rail, Yuma Clapper	<i>Rallus longirostris yumanensis</i>	N/A	Mexico, USA (Arizona, California)	Do	E	1	N/A	
Rhea, Darwin's	<i>Pterocnemia pennata</i>	N/A	Argentina, Bolivia, Peru, Uruguay	Do	E	4	N/A	
Roller, Long-tailed Ground	<i>Urolonchus chimaera</i>	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A	
Scrub-bird, Noisy	<i>Atrichornis clamosus</i>	N/A	Australia	Do	E	3	N/A	
Shama, Cebu Black (Thrush)	<i>Copsychus niger cebuensis</i>	N/A	Philippines	Do	E	3	N/A	
Shearwater, Newell's Manx	<i>Puffinus puffinus newelli</i>	N/A	USA (Hawaii)	Do	T	10	N/A	
Sparrow, Cape Sable	<i>Ammodramus maritima mirabilis</i>	N/A	USA (Florida)	Do	E	1	N/A	
Sparrow, Dusky Seaside	<i>Ammodramus maritima nigrescens</i>	N/A	USA (Florida)	Do	E	1	N/A	
Sparrow, Santa Barbara	<i>Melospiza melodia graminea</i>	N/A	USA (California)	Do	E	6	N/A	
Starling, Ponape Mountain	<i>Aplonis pelzelni</i>	N/A	Western Pacific Ocean: Caroline Islands (Ponape)	Do	E	4	N/A	
Starling, Rothschild's (Myna)	<i>Leucophaea rothschildi</i>	N/A	Indonesia (Bali)	Do	E	4	N/A	
Suit, Hawaiian	<i>Himantopus himantopus knudseni</i>	N/A	USA (Hawaii)	Do	E	2	N/A	
Stork, White Oriental	<i>Ciconia ciconia boyciana</i>	N/A	China, Japan, Korea, USSR	Entire	E	4	N/A	
Tern, California Least	<i>Sterna albifrons browni</i>	N/A	Mexico, USA	Do	E	2,4	N/A	
Thrasher, White-breasted	<i>Ramphocinclus brachyurus</i>	N/A	West Indies: Martinique, St. Lucia	Do	E	3	N/A	
Thrush, Large Kauai	<i>Phaeornis obscurus myadestina</i>	N/A	USA (Hawaii)	Do	E	2	N/A	
Thrush, Molokai (Oloheau)	<i>Phaeornis obscurus rutha</i>	N/A	USA (Hawaii)	Do	E	2	N/A	
Thrush, Small Kauai (Pualohi)	<i>Phaeornis palmeri</i>	N/A	USA (Hawaii)	Do	E	1	N/A	
Tragopans (see Pheasants)								
Trembler, Martinique Brown	<i>Cincloerchia ruficauda gutturalis</i>	N/A	West Indies: Martinique	Do	E	3	N/A	
Wanderer, Plain	<i>Pedionomus torquatus</i>	N/A	Australia	Do	E	6	N/A	
Warbler (Wood), Bachman's	<i>Vermivora bachmanii</i>	N/A	Cuba, USA (Southeastern)	Do	E	1,4	N/A	
Warbler (Wood), Barbados Yellow	<i>Dendroica petechia petechia</i>	N/A	West Indies Barbados	Entire	E	4	N/A	
Warbler, (Wood) Kirtland's	<i>Dendroica kirtlandii</i>	N/A	USA, West Indies: Bahamas	Do	E	1,4	N/A	
Warbler, Reed	<i>Acrocephalus lucinus</i>	N/A	Western Pacific Ocean: Mariana Islands	Do	E	3	N/A	
Warbler, Rodrigues	<i>Bebernia rodericensis</i>	N/A	Mauritius (Rodrigues I.)	Do	E	3	N/A	
Warbler, Semper's	<i>Leucophaea semperi</i>	N/A	West Indies: St. Lucia	Do	E	3	N/A	

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered			
Warbler, Seychelles	<i>Bibronia schallensis</i>	N/A	Indian Ocean: Seychelles	Do	E	3	N/A
Whipbird, Western (Thrush)	<i>Psophodes nigrogularis</i>	N/A	Australia	Do	E	4	N/A
Whip-poor-will, Puerto Rican	<i>Cuprinolus noctiferus</i>	N/A	USA (Puerto Rico)	Do	E	6	N/A
White-eye, Ponape Great	<i>Rukia sanfordi</i>	N/A	Western Pacific Ocean: Caroline Islands (Ponape)	Do	E	4	N/A
White-eye, Seychelles	<i>Zosterops modestus</i>	N/A	Indian Ocean: Seychelles	Do	E	4	N/A
Woodpecker, Imperial	<i>Campylilus imperialis</i>	N/A	Mexico	Entire	E	3	N/A
Woodpecker, Ivory-billed	<i>Campylilus principalis</i>	N/A	Cuba, USA (South Central and Southeast)	Do	E	1, 3	N/A
Woodpecker, Red-cockaded	<i>Dendrocopos borealis</i>	N/A	USA (South Central and Southeast)	Do	E	2	N/A
Woodpecker, Tristram's	<i>Dryocopus jarensis richardsi</i>	N/A	Korea	Do	E	3	N/A
Wren, Guadeloupe House	<i>Troglodytes aedon guadeloupensis</i>	N/A	West Indies: Guadeloupe	Do	E	3	N/A
Wren, New Zealand Bush	<i>Xenicus longipes</i>	N/A	New Zealand	Do	E	3	N/A
Wren, St. Lucia	<i>Troglodytes aedon mesoleucus</i>	N/A	West Indies: St. Lucia	Do	E	3	N/A
REPTILES:							
Alligator, American	<i>Alligator mississippiensis</i>	Wherever found in the wild, except in Cameron, Vermilion, and Calcasieu Parishes in Louisiana.	Southeastern USA	Entire	E	11	N/A
Alligator, American	<i>Alligator mississippiensis</i>	In the wild in Cameron, Vermilion, and Calcasieu Parishes in Louisiana	USA (Cameron, Vermilion, Calcasieu Parishes in Louisiana)	N/A	T(S/A)	11	17.42(a)
Alligator, American	<i>Alligator mississippiensis</i>	In captivity, wherever found	Worldwide	N/A	T(S/A)	11	N/A
Boa, Puerto Rican	<i>Epicrater inornatus</i>	N/A	Puerto Rico	Entire	E	2	N/A
Boa, Jamaican	<i>Epicrater subflavus</i>	N/A	Jamaica	Entire	E	4	N/A
Crocodile, American	<i>Crocodylus acutus</i>	Florida	USA (South Florida and Florida Keys)	Entire	E	10	N/A
Crocodile, Cuban	<i>Crocodylus rhombifer</i>	N/A	Cuba	Entire	E	4	N/A
Crocodile, Morelet's	<i>Crocodylus moreletii</i>	N/A	Mexico, British Honduras	Entire	E	4	N/A
Crocodile, Nile	<i>Crocodylus niloticus</i>	N/A	Africa	Entire	E	4	N/A
Crocodile, Orinoco	<i>Crocodylus intermedius</i>	N/A	South America: Orinoco River Basin	Entire	E	4	N/A
Gavial (Gharial)	<i>Gavialis gangeticus</i>	N/A	Pakistan, India, Burma, Bangladesh	Entire	E	4	N/A
Gecko, Day	<i>Phelsuma newtoni</i>	N/A	Mauritius	Entire	E	4	N/A
Gecko, Round Island Day	<i>Phelsuma guentheri</i>	N/A	Do	Entire	E	4	N/A
Iguana, Anegada Ground	<i>Cyclura pinguis</i>	N/A	Virgin Islands: Anegada Island	Entire	E	3	N/A
Iguana, Barrington Land	<i>Conolophus pallidus</i>	N/A	Ecuador: Galapagos Islands	Entire	E	4	N/A
Lizard, Blunt-nosed Leopard	<i>Crotaphytus silius</i>	N/A	USA: California	Entire	E	1	N/A
Snake, San Francisco Garter	<i>Thamnophis sirtalis tetrataenia</i>	N/A	USA: California	Entire	E	1	N/A
Terrapin, River (Twinstong)	<i>Bolagur baska</i>	N/A	Burma, India, Indonesia, Malaysia, Bangladesh	Entire	E	4	N/A
Tortoise, Galapagos	<i>Testudo lephantopus</i>	N/A	Ecuador: Galapagos Islands	Entire	E	4	N/A
Tortoise, Madagascar Radiated	<i>Testudo radiata</i>	N/A	Madagascar	Entire	E	4	N/A
Tortoise, Short-necked or Swamp	<i>Pseudemys umbrina</i>	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Tuatara	<i>Sphenodon punctatus</i>	N/A	Australia	Entire	E	4	N/A
Turtle, Aquatic Box	<i>Terrestris coahuila</i>	N/A	New Zealand	Entire	E	4	N/A
Turtle, Atlantic Ridley	<i>Lepidochelys kempi</i>	N/A	Mexico	Entire	E	6	N/A
Turtle, Hawksbill	<i>Erdmochelys imbricata</i>	N/A	Do	Entire	E	4	N/A
Turtle, Leatherback	<i>Dermodochelys coriacea</i>	N/A	Tropical Seas	Entire	E	3	N/A
Turtle, South American	<i>Podocnemis expansa</i>	N/A	Tropical and Temperate Seas	Entire	E	3	N/A
Turtle, South American Yaere (Galman)	<i>Podocnemis unifilis</i>	N/A	South America: Orinoco and Amazon River Basins	Entire	E	4	N/A
	<i>Caiman yacare</i>	N/A	Do	Entire	E	3	N/A
			Bolivia, Argentina, Peru, Brazil				
AMPHIBIANS:							
Frog, Israel Painted	<i>Dicoglossus nigricolor</i>	N/A	Israel	Entire	E	4	N/A
Frog, Stephen Island	<i>Leiopelma hamiltoni</i>	N/A	New Zealand	Do	E	4	N/A
Salamander, Desert Slender	<i>Batrachoseps aridus</i>	N/A	USA (California)	Do	E	5	N/A
Salamander, Santa Cruz Long-tailed	<i>Amphistoma macrodactylum cruentum</i>	N/A	Do	Do	E	1	N/A
Salamander, Texas Blind Toad, Houston	<i>Typhlomolge rathbuniana</i>	N/A	USA (Texas)	Do	E	1	N/A
	<i>Bufo houstensis</i>	N/A	Do	Do	E	2	N/A
FISHES:							
Ala Balik	<i>Salmo platycephalus</i>	N/A	Turkey	Entire	E	3	N/A
Ayamodoki	<i>Hymenophysa curta</i>	N/A	Japan	Do	E	3	N/A
Blindecat, Mexican	<i>Prietella phreatophila</i>	N/A	Mexico	Do	E	3	N/A
Bonytail, Pahranagat	<i>Gila robusta jordoni</i>	N/A	USA (Nevada)	Do	E	2	N/A
Catfish	<i>Pangasius sanitwongsei</i>	N/A	Thailand	Do	E	3	N/A
Catfish, Giant	<i>Pangasianodon gigas</i>	N/A	Do	Do	E	3	N/A
Chub, Humpback	<i>Gila cypha</i>	N/A	USA (Arizona, Utah, Wyoming)	Do	E	1	N/A
Chub, Mohave	<i>Siphaticles mohavensis</i>	N/A	USA (California)	Do	E	2	N/A
Creek	<i>Acanthostichus harrisi</i>	N/A	Turkey	Do	E	3	N/A
Cisco, Longjaw	<i>Coregonus alpinus</i>	N/A	USA (Lakes Michigan, Huron, and Erie)	Do	E	1	N/A
Cui-ni	<i>Channistius cujus</i>	N/A	USA (Nevada)	Do	E	1	N/A
Dace, Kendall Warm Springs	<i>Rhinichthys osculus thormalis</i>	N/A	USA (Wyoming)	Do	E	2	N/A
Dace, Moapa	<i>Moapa corineca</i>	N/A	USA (Nevada)	Do	E	1	N/A
Darter, Bayou	<i>Etheostoma bairdii</i>	N/A	USA (Mississippi)	Do	T	10	N/A
Darter, Fountain	<i>Etheostoma fonticola</i>	N/A	USA (Texas)	Entire	E	2	N/A
Darter, Maryland	<i>Etheostoma sellars</i>	N/A	USA (Maryland)	Do	E	1	N/A
Darter, Okaloosa	<i>Etheostoma okaloosae</i>	N/A	USA (Florida)	Do	E	6	N/A
Darter, Watercress	<i>Etheostoma nuchale</i>	N/A	USA (Alabama)	Do	E	2	N/A
Gambusia, Big Bend	<i>Gambusia guayana</i>	N/A	USA (Texas)	Do	E	1	N/A
Gambusia, Clear Creek	<i>Gambusia holbrooki</i>	N/A	Do	Do	E	1	N/A
Gambusia, Pecos	<i>Gambusia nobilis</i>	N/A	Do	Do	E	1	N/A
Killifish, Pahranagat	<i>Euphratichtys latus</i>	N/A	USA (Nevada)	Do	E	2	N/A
Mudminnow, Scioto	<i>Noturus caudimaculatus</i>	N/A	USA (Ohio)	Do	E	10	N/A

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered			
Nekogigi	<i>Coreobagrus ichikawai</i>	N/A	Japan	Do	E	3	N/A
Pike, Blue	<i>Stizostedion vitreum glaucum</i>	N/A	USA (Lakes Erie and Ontario)	Do	E	1	N/A
Pupfish, Comanche Springs	<i>Cyprinodon elegans</i>	N/A	USA (Texas)	Do	E	1	N/A
Pupfish, Devil's Hole	<i>Cyprinodon diabolis</i>	N/A	USA (Nevada)	Do	E	1	N/A
Pupfish, Owens River	<i>Cyprinodon radiosus</i>	N/A	USA (California)	Do	E	1	N/A
Pupfish, Tecopa	<i>Cyprinodon nevadensis calidae</i>	N/A	USA (California)	Do	E	2	N/A
Pupfish, Warm Springs	<i>Cyprinodon nevadensis pectoralis</i>	N/A	USA (Nevada)	Do	E	2	N/A
Squawfish, Colorado River	<i>Ptychocheilus luctus</i>	N/A	USA (Colorado River System)	Do	E	1	N/A
Stickleback, Unarmored Threespine	<i>Gasterosteus aculeatus williamsi</i>	N/A	USA (California)	Do	E	2	N/A
Sturgeon, Shortnose	<i>Acipenser brevirostrum</i>	N/A	Atlantic Coast of USA and Canada	Do	E	1	N/A
Tango, Miyako	<i>Tanaka tanago</i>	N/A	Japan	Do	E	3	N/A
Topminnow, Gila	<i>Poeciliopsis occidentalis</i>	N/A	USA (Arizona), Mexico	Do	E	1	N/A
Trout, Arizona (Apache)	<i>Salmo apache</i>	N/A	USA (Arizona)	Do	T	8	§ 17.44(a)
Trout, Gila	<i>Salmo gila</i>	N/A	USA (New Mexico)	Do	E	1	N/A
Trout, Greenback Cutthroat	<i>Salmo clarki stomias</i>	N/A	USA (Colorado)	Do	E	1	N/A
Trout, Lahontan Cutthroat	<i>Salmo clarki henshawi</i>	N/A	USA (California, Nevada)	Do	T	8	§ 17.44(a)
Trout, Paiute Cutthroat	<i>Salmo clarki selenis</i>	N/A	USA (California)	Entire	T	8	§ 17.44(a)
Woundfin	<i>Plagopterus argentissimus</i>	N/A	USA (Utah)	Do	E	2	N/A
SNAILS:							
Snail, Manus Island Tree	<i>Papustyla pulcherrima</i>	N/A	Admiralty Islands (Manus I.)	Do	E	4	N/A
MOLLUSKS: [reserved]							
INSECTS: [reserved]							
OTHER FORMS: [reserved]							

1-32 FR 4001; March 11, 1967
 2-35 FR 18047; October 13, 1970
 3-35 FR 8491; June 2, 1970
 4-35 FR 18319; December 2, 1970
 5-37 FR 6476; March 30, 1972

6-38 FR 14678; June 4, 1973
 7-39 FR 44990; December 30, 1974
 8-40 FR 29608; June 16, 1975
 9-46 FR 31774; July 28, 1975
 10-40 FR 44149; Sept. 25, 1975
 11-40 FR 44412; Sept. 26, 1975

§ 17.12 Endangered and threatened plants [Reserved]

§ 17.13 Amendments to the lists.

(a) The lists in §§ 17.11 and 17.12 may be revised from time to time, in accordance with the procedures specified in the Act, as additional data become available which show, to the Director's satisfaction, that a species should be added to or removed from the list, or changed in status.

(b) At any time, any interested person may petition the Director to review the status of any species, with a view to taking one of the actions described in paragraph (a) of this section. Such petitions must be dated and in writing, and must be submitted to the Director (FWS/SE). The petition must contain the following information:

- (1) Name and address of the person making the request;
- (2) Association, organization, or business, if any, represented by the person making the request;
- (3) Reasons why the person making the request, or the person he represents, should be considered to be an "interested person";
- (4) Designation of the particular species in question by common and scientific names;
- (5) Narrative explanation of the request for review and justification for a change in the status of the species in question.
- (6) Scientific, commercial, or other data believed to support the request; and
- (7) Signature of the person making the request.

If it is determined that substantial evidence has been presented which war-

rants a review, a finding to that effect shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to comment and to submit additional data and information.

Subpart C—Endangered Wildlife

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c) (1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c) (1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Ma-

rine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

- (i) Aid a sick, injured or orphaned specimen; or
 - (ii) Dispose of a dead specimen; or
 - (iii) Salvage a dead specimen which may be useful for scientific study; or
 - (iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.
- (4) Any taking pursuant to paragraphs (c) (2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by

transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d) (1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

§ 17.22 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section, for scientific research or for enhancing the propagation or survival of endangered wildlife. (See § 17.32 for permits for threatened species.)

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity prohibited by § 17.21. Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include as an attachment, all of the following information:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity;

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(4) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born;

(5) A complete description and address of the institution or other facility

where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live wildlife covered by the permit,

(i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(iii) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(iv) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant, if any (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit; and

(iv) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.23 Economic hardship permits.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section in order to prevent undue economic hardship.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited by § 17.21. Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, all of the information required in § 17.22 plus the following additional information:

(1) The possible legal, economic or subsistence alternatives to the activity sought to be authorized by the permit;

(2) A full statement, accompanied by copies of all relevant contracts and correspondence, showing the applicant's involvement with the wildlife sought to be covered by the permit (as well as his involvement with similar wildlife), including, where applicable, that portion of applicant's income derived from the taking of such wildlife, or the subsistence use of such wildlife, during the calendar year

immediately preceding either the notice in the **FEDERAL REGISTER** of review of the status of the species or of the proposal to list such wildlife as endangered, whichever is earliest;

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the wildlife sought to be covered by the permit;

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the **FEDERAL REGISTER**, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued under any of the three categories of economic hardship, as defined in section 10(b)(2) of the Act. In making his decisions, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is being requested is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) The economic, legal, subsistence, or other alternatives or relief available to the applicant;

(4) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which:

(i) Deals specifically with the wildlife sought to be covered by the permit; and

(ii) Became binding prior to the date when the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the **FEDERAL REGISTER**.

(5) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b)(4) of this section would cause if the permit were denied;

(6) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income;

(7) Where applicable, the nature and extent of subsistence taking generally by the applicant; and

(8) The likelihood that applicant can reasonably carry out his desired activity within one year from the date a notice is published in the **FEDERAL REGISTER** to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued

under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

(d) Duration of permits issued under this section shall be designated on the face of the permit. No permit issued under this section, however, shall be valid for more than one year from the date a notice is published in the **FEDERAL REGISTER** to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

Subpart D—Threatened Wildlife

§ 17.31 Prohibitions.

(a) Except as provided in Subpart A of this Part, or in a permit issued under this Subpart, all of the provisions in § 17.21 shall apply to threatened wildlife.

(b) In addition to any other provisions of this Part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.

(c) Whenever a special rule in §§ 17.40 to 17.48 applies to a threatened species, none of the provisions of paragraphs (a) and (b) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

§ 17.32 Permits—general.

Upon receipt of a complete application the Director may issue a permit for any activity otherwise prohibited with regard to threatened wildlife. Such permit shall be governed by the provisions of this section unless a special rule applicable to the wildlife, appearing in §§ 17.40 to 17.48, below, provides otherwise. Permits issued under this section must be for one of the following purposes: scientific purposes, or the enhancement of propagation or survival; or economic hardship; or zoological exhibition; or educational purposes; or management by State conservation agencies; or special purposes consistent with the purposes of the Act. Such permits may authorize a single transaction, a series of transactions, or activities over a specific period of time.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. Each application must be submitted on an official application form (Form 3-200) provided by the Serv-

ice, and must include, as an attachment, as much of the following information which relates to the purpose for which the applicant is requesting a permit:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity;

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(4) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born;

(5) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live wildlife covered by the permit,

(i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(iii) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(iv) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit; and

(iv) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated on the permit.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.33 Permits—captive, self-sustaining populations.

Upon receipt of a complete application, the Director may issue a permit authorizing delivery, receipt, carriage, transportation or shipment in interstate commerce, in the course of a commercial activity, or sale or offer for sale in interstate commerce, of specimens of a captive, self-sustaining population (see § 17.7). Such species are listed in § 17.11 with the notation "T (C/P)" in the "current status" column. Such permits may authorize all of the above activities relating to interstate commerce during the duration of the permit. These permits will not be issued for importation and exportation.

Example: A breeder of exotic endangered pheasants wants to buy and sell captive-reared endangered birds for the purpose of propagation. The species he has have all been determined to have captive, self-sustaining populations pursuant to § 17.7, and such captive populations have been listed as threatened [T (C/P)]. He now may apply for a permit to authorize the interstate sale under this § 17.33. If his permit is issued, and is valid for 2 years, it would cover all transactions of the type for which it was issued (such as sales in interstate commerce) for that period. A separate permit and application fee is not required for each transaction. Individual transactions are accounted for by the reporting and recordkeeping requirements in the regulations, and those specified on the face of the permit. At the end of the 2-year period, the permit may be renewed by following the renewal procedures in Part 13 (General Permit Procedures), § 13.24 (Renewal).

(a) *Application requirements.* Applications for permits under this section shall be submitted to the Director by the intended recipient of the wildlife. Each such application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, the following information:

(1) The common and scientific names of the species sought to be covered by the permit, and the activity sought to be authorized (such as selling in interstate commerce);

(2) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(3) A brief resume of the technical expertise of the persons who will care for such wildlife, including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(4) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data on a studbook; and

(5) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period;

(6) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant (or any other wildlife of the same genus or family), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the proposed use of the wildlife would probably result, directly or indirectly, in the death, injury or reduction of the reproductive ability of the wildlife;

(2) Whether the ability of the captive population in question to sustain itself will be substantially impaired by the proposed activities;

(3) Whether the expertise, facilities or other resources available to the applicant appear adequate to accomplish the objectives stated in the application;

(4) Whether the applicant has a recordkeeping system adequate to insure that wildlife obtained under the permit can be distinguished from wildlife obtained from the wild or otherwise;

(5) Whether the purpose for which the permit is sought would establish, complement or otherwise enhance the status of the species in captivity; and

(6) Such other factors as he deems relevant.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall, unless otherwise authorized on the face of the permit, be subject to the condition that the permittee may not transfer any wildlife held or obtained under the permit except to another holder of a permit issued under this section.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.34 Permits. [Reserved]

§ 17.35 Permits. [Reserved]

§ 17.36 Permits. [Reserved]

§ 17.37 Permits. [Reserved]

§ 17.38 Permits. [Reserved]

§ 17.39 Permits. [Reserved]

§ 17.40 Special rules—mammals.

(a) *Kangaroo; Eastern Gray (Macropus giganteus), Red (Megalia rufa), and*

Western Gray (*Macropus fuliginosus*)—
(1) **Prohibitions.** The following prohibitions apply to the Eastern Gray, Red and Western Gray kangaroos:

(i) **Import.** (A) Except as permitted in paragraph (a) (1) (i) (B) below, or in paragraph (a) (2) of this section, it shall be unlawful to import any such wildlife for commercial purposes.

(B) Upon receiving from the Australian Government a certificate that (1) a particular Australian State has developed an effective sustained-yield program for such wildlife, and (2) the taking of such wildlife in that State will not be detrimental to the survival of the species or subspecies of which such wildlife is a part, the Director may, consistent with the purposes of the act, permit by publication of a notice in the **FEDERAL REGISTER** the commercial importation of any such wildlife originating from that State, upon proof that such wildlife is lawfully taken and exported from that State: *Provided*, That if the Director determines from all the evidence that a previously certified Australian State no longer maintains an effective sustained yield program for such wildlife, he may

(ii) **Unlawfully imported kangaroos.** It shall be unlawful, in the course of a commercial activity, to deliver, receive, carry, transport, or ship in interstate or foreign commerce any such wildlife imported unlawfully.

(iii) **Commercial transactions.** It shall be unlawful to sell or offer for sale in interstate or foreign commerce any such wildlife imported unlawfully.

(2) **Permits.** The following permits are available for the Eastern Gray, Red and Western Gray kangaroos:

(i) **Economic hardship.** (A) The Director may grant permits for the importation of such wildlife to prevent economic hardship. The provisions of § 17.23 (with the exception of §§ 17.23(b) (4), 17.23(b) (8), and 17.23(d)), shall apply to the issuance of such permits. In addition, the requirements of section 10(b) of the Endangered Species Act of 1973 (16 U.S.C. 1539(b)) regarding hardship exemptions for endangered species shall apply to applications for hardship exemptions under this section as if such wildlife were classified "endangered;" and the applicant for an exemption under this section must submit all information required by section 10(b).

(B) The duration of any economic hardship permit issued for such wildlife under this provision will be limited by section 10(b) of the Endangered Species Act of 1973 as if those species were listed as "endangered" under the act.

(b) **Grizzly bear (*Ursus arctos horribilis*)**—(1) **Prohibitions.** The following prohibitions apply to the grizzly bear:

(i) **Taking.** (A) Except as provided in paragraphs (b) (1) (i) (B) through (F), of this section no person shall take any grizzly bear in the 48 conterminous states of the United States.

(B) Grizzly bears may be taken in self-defense, or in defense of others, but any such taking shall be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement,

P.O. Box 19183, Washington, D.C. 20036, and to appropriate State officials, within 5 days after it occurs.

(C) **Removal of nuisance bears.** A grizzly bear constituting a demonstrable but non-immediate threat to human safety, or committing significant depredations to lawfully present livestock, may be taken, but only if:

(1) it has not been reasonably possible to eliminate such threat or depredation by live-capturing and releasing unharmed in a remote area the grizzly bear involved; and

(2) the taking is done in a humane manner by authorized Federal or State employees; and

(3) the taking is reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to appropriate State officials, within 5 days after it occurs.

(D) **Federal or State scientific or research activities.** Federal or State employees may pursue, capture, or collect grizzly bears for scientific or research purposes.

(E) **Northwestern Montana.** If it is not contrary to the laws and regulations of the State of Montana, a person may hunt grizzly bears in the Flathead National Forest, the Bob Marshall Wilderness Area, and the Mission Mountains Primitive Area of Montana: *Provided*, That if in any year in question, 25 grizzly bears have already been killed for whatever reason in that part of Montana, including the Bob Marshall Wilderness Area and the Mission Mountains Primitive Area, which is bounded on the north by the United States-Canadian Border, on the east by U.S. Highway 91, on the south by U.S. Highway 12, and on the west by Montana-Idaho State line, the Director shall post and publish a notice prohibiting such hunting, and any such hunting for the remainder of that year shall be unlawful: *Provided further*, That any taking of a grizzly bear, for whatever reason, in the above-described portion of Montana shall be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to the Montana Department of Fish and Game, within 5 days after the taking occurs; and except that any taking on an Indian reservation within the above-described area shall be so reported only to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036.

(F) **National Parks.** The regulations of the National Park Service shall govern all taking of grizzly bears in National Parks.

(ii) **Unlawfully taken grizzly bears.** (A) Except as provided in paragraph (b) (1) (ii) (B) of this section, no person shall possess, deliver, carry, transport, ship, export, or sell grizzly bear taken unlawfully.

(B) Federal or State employees may for scientific or research purposes possess, deliver, carry, transport, ship, or export unlawfully taken grizzly bears.

(iii) **Import or export.** (A) Except as provided in this paragraph (b) (1) (iii) (A), below, no person shall import any grizzly bear into the United States.

(1) **Federal or State scientific or research activities.** Federal or State employees may import grizzly bears into the United States for scientific or research purposes.

(2) **Public zoological institutions.** Public zoological institutions (see 50 CFR 10.12) may import grizzly bears into the United States.

(B) Except for public zoological institutions (see 50 CFR 10.12), no person shall, in the course of a commercial activity, export any grizzly bear from the United States.

(iv) **Commercial transactions.** (A) Except for public zoological institutions (see 50 CFR 10.12), no person shall, in the course of a commercial activity, deliver, receive, carry, transport, or ship in interstate or foreign commerce any grizzly bear.

(B) Except for public zoological institutions (see 50 CFR 10.12) dealing with other public zoological institutions, no person shall sell or offer for sale in interstate or foreign commerce any grizzly bear.

(v) **Other violations.** No person shall attempt to commit, cause to be committed, or solicit another to commit any act prohibited by paragraph (a) (4) (ii) of this section.

(2) **Definitions.** As used in paragraph (b) of this section the term "grizzly bear" means any member of the species, *Ursus arctos horribilis* of the 48 conterminous states of the United States, including any part, offspring, dead body, part of a dead body, or product of such species.

§ 17.41 Special rules—birds. [Reserved]

§ 17.42 Special rules—reptiles.

(a) **American alligator (*Alligator mississippiensis*)**—(1) **Prohibitions.** The following prohibitions apply to the American alligator.

(i) **Taking.** Except as provided in this paragraph (a) (1) (i) of this section, no person may take American alligators.

(A) Any person may take American alligators in defense of his own life or the lives of others.

(B) Any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take American alligators without a permit if such action is necessary to:

(1) Aid a sick, injured or orphaned specimen; or

(2) Dispose of a dead specimen; or

(3) Salvage a dead specimen which may be useful for scientific study; or

(4) Remove specimens which constitute a demonstrable but non-immediate threat to human safety. The taking must be done in a humane manner, and may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and

releasing the specimen unharmed, in a remote area.

(C) Any taking pursuant to paragraphs (a)(1)(i)(A) and (B) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(D) Any employee or agent of the Service or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take American alligators to carry out scientific research or conservation programs.

(E) Any person may take American alligators in Cameron, Vermillion and Calcasieu parishes in accordance with the laws and regulations of the State of Louisiana, including that State's marking and tagging requirements; *Provided*, That the hides of such alligators are only sold or offered for sale to a person holding a valid Federal license, issued under this subsection, as a buyer of hides; and that the meat and other parts are not sold or offered for sale.

(F) When American alligators are taken by Service or State officials in accordance with paragraph (a)(1)(i)(D) of this section the hides may be sold by State or Federal officials; *Provided*, That the hides have first been tagged by the State of origin with a non-corrosable numbered tag inserted no more than six inches from the tip of the tail; the tag number and a description of the hide, including its length and the date and place of taking are recorded; and a shipping tag or label is affixed to the outside of any packages showing the name and address of the consignor and consignee, identifying the contents as alligator hides, and showing the number of hides in the package; *Provided further*, That such hides may be sold only to a person holding a valid Federal license, issued under this subsection, as a buyer of hides; and that the meat and other parts are not sold or offered for sale.

(ii) *Unlawfully taken alligators*. No person may possess, sell, deliver, carry, transport, or ship, by any means whatsoever, American alligators taken unlawfully.

(iii) *Import or export*. No person may import or export any American alligator.

(iv) *Commercial transactions*. Except as otherwise provided in this subsection or as may be authorized by a permit issued under authority of § 17.32, no person may deliver, receive, carry, transport, ship, sell, or offer to sell in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any American alligator; *Provided*, That the hides of American alligators lawfully obtained from the State of

Louisiana prior to December 28, 1973, may be sold or offered for sale in interstate (not foreign) commerce if the Director of the State wildlife conservation agency certifies to the Director that all such hides were lawfully obtained and can be identified; and such hides are sold, offered for sale, delivered, carried, transported, or shipped only to a person holding a valid Federal license, issued under this subsection, as a buyer of hides.

(2) *Definitions*. For the purposes of this paragraph (a)

(i) "Buyer" shall mean a person engaged in the business of buying and selling hides of American alligators in the wholesale market. A buyer may also be a tanner and a fabricator;

(ii) "Tanner" shall mean a person engaged in the business of processing green, untanned hides of American alligators into leather. A tanner may also be a buyer and a fabricator;

(iii) "Fabricator" shall mean a person engaged in the business of manufacturing products from American alligator leather. A fabricator may also be a buyer and a tanner.

(iv) "American alligator" shall mean any member of the species *Alligator mississippiensis* which is designated as threatened in § 17.11, and any part, offspring, dead body, part of a dead body or product of such species.

(3) *Permits and licenses*. (i) All permits available under § 17.32 (General permits—threatened wildlife) are available in relation to threatened American alligators. All the terms and provisions of § 17.32 apply to such permits issued under the authority of this paragraph (a)(3)(i).

(ii) This paragraph (a)(3) of this section applies instead of the permits available under § 17.52 (similarity of appearance). Therefore, permits issued under § 17.52 are not available in relation to threatened American alligators.

(iii) Upon receipt of a complete application, the Director may issue a license, in accordance with the issuance criteria of this paragraph (a)(3)(iii), for each of the categories defined in paragraph (a)(2) of this section.

(A) *Application requirements*. Applications for licenses under this subparagraph must be submitted to the Director by the person who wishes to engage in the activities described in paragraph (a)(2) of this section (buyer, tanner, or fabricator). Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, all of the following information:

(1) The category (buyer and/or tanner and/or fabricator) for which the license is desired;

(2) A description of the applicant's business organization, including: a description of the physical plant; the method of operation of the business; experience, if any, over the previous five years; all shareholders, partners, directors, officers or other parties in interest in the business organization;

(3) A description, including samples, of the applicant's present or proposed

system of inventory control and bookkeeping capable of insuring accurate accounting for all American alligator hides and tags dealt with;

(4) A statement detailing any convictions or civil penalties under State or Federal laws for taking or trafficking in wildlife within the previous five years for the applicant, or any shareholder, partner, director, officer, principle, employee or agent.

(B) *Issuance criteria*. Upon receiving an application completed in accordance with paragraph (a)(3)(iii)(A) of this section, the Director will decide whether or not a license for one or more of the three categories in paragraph (a)(2) should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the applicant's reliability and apparent ability and willingness to maintain accurate inventory and bookkeeping records of all American alligator hides and State tags dealt with.

(c) *Special conditions*. In addition to the general conditions set forth in Part 13 of the subchapter, licenses issued under this provision shall be subject to the following special conditions:

(1) Licensees may not buy, tan or fabricate any American alligator hide except one which was taken, sold, offered for sale, delivered, carried, transported or shipped in accordance with paragraph (a)(1)(i) of this section;

(2) A buyer must leave all tags and shipping labels on the hides, unless the shipments are broken apart, in which case the shipping tags or labels must be removed, recorded, and returned to the issuer;

(3) If a buyer has broken apart original shipments and removed the shipping tags or labels as provided in (a)(3)(iii)(c)(2) of this section, he must affix a shipping tag or label to the outside of each new shipment of hides, showing the name and address of the consignor and consignee, identifying the contents of the shipment as American alligator hides, and showing the number of hides in the shipment;

(4) A tanner must leave all tags on the hides, but must collect, record, and return to the issuer all shipping tags;

(5) A fabricator must remove, record, and return to the issuer all tags;

(6) Every licensee must maintain complete and accurate records of all American alligator hides including all State tags, and the stub of the verification tag; capacity.

(7) Fabricators shall in addition maintain complete and accurate records showing the relationships of American alligator hides processed to finished American alligator products;

(8) Fabricators must affix, under the supervision of the Service, a mark provided by the Service to each product made of American alligator hides.

(4) Manufactured products of American alligators which have been marked by a licensed fabricator in accordance with paragraph (a)(3)(iii)(C)(8) may be transported, shipped, delivered, carried or received in interstate commerce

in the course of a commercial activity, and may be sold or offered for sale in interstate commerce.

(5) No person shall, except as authorized pursuant to paragraph (a) duplicate or apply any mark used to identify products of American alligator hides produced by a fabricator licensed under this section.

§ 17.43 Special rules—amphibians. [Reserved]

§ 17.44 Special rules—fishes.

(a) Lahontan cutthroat trout, Paiute cutthroat trout, and Arizona trout (*Salmo clarki henshawi*, *Salmo clarki seleniris*, and *Salmo apache*).

(1) All the provisions of § 17.31 apply to these species, except that they may be taken in accordance with applicable State law.

(2) Violation of State law will also be a violation of the Act.

(b) Bayou darter (*Etheostoma rubrum*).

(1) All the provisions of § 17.31 apply to this species, except that they may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

§ 17.45 Special rules—mollusks. [Reserved]

§ 17.46 Special rules—crustaceans. [Reserved]

§ 17.47 Special rules—insects. [Reserved]

§ 17.48 Special rules—other forms. [Reserved]

Subpart E—Similarity of Appearance

§ 17.50 General.

(a) Whenever the Director determines that a species which is not endangered or threatened closely resembles an endangered or threatened species, such species shall be treated as either endangered or threatened, pursuant to section 4(e) of the Act. Such species shall appear in the list in § 17.11 with the notation "S/A" in the "status" column, following either a letter "E" or a letter "T" to indicate whether the species is being treated as endangered or threatened.

(b) In determining whether to treat a species as endangered or threatened due to similarity of appearance, the Director shall consider the following factors in addition to the criteria in section 4(e) of the Act:

(1) The degree of difficulty which law enforcement personnel would have in dis-

tinguishing the species in question from an endangered or threatened species especially where: (i) The distinction between the endangered or threatened species and other species is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the species are minute, or can be easily masked, or would not be apparent when products are processed.

(2) The additional threat posed to the endangered or threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The amount of control over transactions involving endangered or threatened species to be gained either by: (i) Imposing the same prohibitions on the species which is similar, as apply to the endangered or threatened species, or (ii) providing, where the species is treated as threatened, special rules in Subpart D of this part to distinguish the similar species from the endangered or threatened species.

Example 1. The ABC sparrow is endangered wildlife. The ABD sparrow is a subspecies that is so similar to the ABC sparrow that when found outside their normal habitat, the two cannot readily be distinguished by law enforcement personnel. The ABD sparrow is listed in § 17.11, after following the proper procedures as follows:

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Endangered or Threatened			
ABC sparrow	ABCus	N/A	North America	Entire	E	?	N/A
ABD sparrow	ABDus	N/A	North America	N/A	E (S/A)	?	N/A

Example 2. Suppose the ABC sparrow is listed as endangered in only a portion of its range. Within the meaning of the Act, the ABC sparrow as defined by geographic boundaries is a "species." The ABC sparrow which occurs beyond those boundaries is a different

"species", even though it is identical, except in location, to the listed "species." If the criteria of this section were met, the two "species" could be listed as follows:

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Endangered or Threatened			
ABC sparrow	ABCus	Idaho	Idaho	Entire	E	?	N/A
Do	do	N/A	U.S.	N/A	E (S/A)	?	N/A

§ 17.51 Treatment as endangered or threatened.

(a) Any species listed in § 17.11, pursuant to § 17.50, shall be treated as endangered or threatened, as indicated in the "status" column.

(b) All of the provisions of Subparts C (Endangered Wildlife) and D (Threatened Wildlife) shall apply to any such species of wildlife; as appropriate.

§ 17.52 Permits—similarity of appearance.

Upon receipt of a complete application, and unless otherwise indicated in a special rule, the Director may issue permits for any activity otherwise prohibited with a species designated as endangered or threatened due to its similarity of appearance with an endangered or threatened species (see Subpart E—Similarity of appearance).

(a) *Application requirements.* Applications for permits under this section

must be submitted to the Director by the person who wishes to engage in the activity with the similar species. Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the origin of the wildlife (or if born in captivity, the place where born) of the wildlife in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, expert opinion, bills of sale, or other appropriate information.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria, in § 13.21

(b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife in question so as to distinguish it from any endangered or threatened wildlife.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife, and remain for the time designated in the permit;

(2) A copy of the permit must accompany the wildlife at all times.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

[FR Doc.75-25480 Filed 9-25-75;8:45 am]